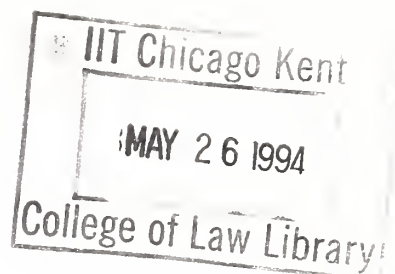


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Secretary of State

TABLE OF CONTENTS

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431	7554
Department of Children & Family Services Employee Conflict of Interest; 89 Ill. Adm. Code 437	7579
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF	
Services Charges; 59 Ill. Adm. Code 106	7583
POLLUTION CONTROL BOARD	
Definitions & General Provisions; 35 Ill. Adm. Code 211	7589
Organic Material Emission Standards & Limitations for Chicago Area; 35 Ill. Adm. Code 218	7602
Organic Material Emission Standards & Limitations for Metro East Area; 35 Ill. Adm. Code 219	7618
Permits & General Provisions; 35 Ill. Adm. Code 201	7636
Primary Drinking Water Standards; 35 Ill. Adm. Code 611	7642
SECRETARY OF STATE	
Procedures & Standards; 92 Ill. Adm. Code 1001	7731
TRANSPORTATION, DEPARTMENT OF	
Vehicle Inspection Section Hearings; 92 Ill. Adm. Code 450	7733
ADOPTED RULES	
AUDITOR GENERAL	
Freedom of Information; 2 Ill. Adm. Code 601	7739
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Relative Home Placements; 89 Ill. Adm. Code 335	7744
COMMERCE COMMISSION, ILLINOIS	
Rules of Practice; 83 Ill. Adm. Code 200	7748
COMPTROLLER, OFFICE OF THE	
Transfers Between Accounts Within a Fund Held by the State Treasurer; 74 Ill. Adm. Code 275	7754

ADOPTED RULES (CONT'D)

PUBLIC AID, DEPARTMENT OF	
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113	7759
REVENUE, DEPARTMENT OF	
Income Tax; 86 Ill. Adm. Code 100	7768
SECRETARY OF STATE	
Business Corporation Act; 14 Ill. Adm. Code 150	7783
Commercial Driver Training Schools; 92 Ill. Adm. Code 1060	7788
TRANSPORTATION, DEPARTMENT OF	
Carriage by Public Highway; 92 Ill. Adm. Code 177	7852
Continuing Qualification & Maintenance of Packaging; 92 Ill. Adm. Code 180	7857
General Information, Regs. & Definitions; 92 Ill. Adm. Code 171	7861
Hazardous Materials Table & Hazardous Materials Communications; 92 Ill. Adm. Code 172	7874
Procedures; 92 Ill. Adm. Code 107	7881
Shippers General Requirements for Shipments & Packagings; 92 Ill. Adm. Code 173	7895
Specifications for Packaging; 92 Ill. Adm. Code 178	7901
Specifications for Tank Cars; 92 Ill. Adm. Code 179	7912
EMERGENCY RULES	
SECRETARY OF STATE	
Procedures & Standards; 92 Ill. Adm. Code 1001	7916
NOTICE OF RECODIFICATION	
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Confidentiality of Personal Information of Persons Served by the Department; 89 Ill. Adm. Code 431	7951
NOTICE OF PUBLIC INFORMATION	
REVENUE, DEPARTMENT OF	
Index of Letter Rulings (First Quarter of 1994) (Income Tax)	7953
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received	7961

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

94-179	Disaster Areas - Madison, Mason, Monroe, Piatt And St. Clair Counties	7963
94-180	Better Hearing And Speech Month	7963
94-181	Bike Month	7964
94-182	Cyotechnology Day	7964
94-183	Drinking Water Week	7965
94-184	George Tammings Day	7965
94-185	Holy Name Of Mary Parish Women's Days	7966
94-186	Law Day	7966
94-187	Mathematics Awareness Week	7967
94-188	Metropolitan Pier And Exposition Authority Employee Longevity Day	7967
94-189	Mother Of The Year Day	7968
94-190	Nurses Week	7968
94-191	Older Americans Month	7969
94-192	Public Service Recognition Day	7970
94-193	Children's Emotional And Behavioral Disorders Awareness Week	7971
94-194	Illinois Small Business Week	7971
94-195	Hadassah Days	7972
94-196	Family Service DuPage Day	7972
94-197	Life Insurance Week	7973
94-198	South Holland Centennial Day/South Holland Centennial Week/South Holland Centennial Month	7973
94-199	Asian Pacific American Heritage Month	7974
94-200	Dr. Joseph C. Delpiaz Day	7975
94-201	Foster Parent Appreciation Month	7975
94-202	Polish Constitution Day	7976
94-203	Women In Trades Career Day	7976
94-204	Illinois State Chamber Of Commerce/75th Anniversary Year	7977
94-205	Loyalty Day	7978
94-206	Music Week	7978
94-207	RP Awareness Day	7979
94-208	Chicago Crime Commission Day	7979
94-209	Eugene E. Lunger Day	7980
94-210	National Association Of Women Business Owners Public Affairs Day	7980
94-211	Physical Fitness And Sports Month/Physical Education And Sports Week	7981
94-212	Project Aces Day	7982
94-213	Cambodian Culture Days	7982
94-214	Gene Siskel Day	7983
94-215	Kantorei Week	7983
94-216	React Month	7984
94-217	Women Lawyers' Day	7985

CUMULATIVE INDEX

1994 Index - Issue #20 CI-1

SECTIONS AFFECTED INDEX

1994 Index - Issue #20 SAI-1

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
Jan. 4, 1994	Jan. 11, 1994	3	Jan. 21, 1994	July 12, 1994	July 19, 1994	30	July 29, 1994
Jan. 11, 1994	Jan. 18, 1994	4	Jan. 28, 1994	July 19, 1994	July 26, 1994	31	Aug. 5, 1994
Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
Feb. 22, 1994	Mar. 1, 1994	10	Mar. 11, 1994	Aug. 30, 1994	Sept. 6, 1994	37	Sept. 16, 1994
Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
Mar. 8, 1994	Mar. 15, 1994	12	Mar. 25, 1994	Sept. 13, 1994	Sept. 20, 1994	39	Sept. 30, 1994
Mar. 15, 1994	Mar. 22, 1994	13	Apr. 1, 1994	Sept. 20, 1994	Sept. 27, 1994	40	Oct. 7, 1994
Mar. 22, 1994	Mar. 29, 1994	14	Apr. 8, 1994	Sept. 27, 1994	Oct. 4, 1994	41	Oct. 14, 1994
Mar. 29, 1994	Apr. 5, 1994	15	Apr. 15, 1994	Oct. 4, 1994	Oct. 11, 1994	42	Oct. 21, 1994
Apr. 5, 1994	Apr. 12, 1994	16	Apr. 22, 1994	Oct. 11, 1994	Oct. 18, 1994	43	Oct. 28, 1994
Apr. 12, 1994	Apr. 19, 1994	17	Apr. 29, 1994	Oct. 18, 1994	Oct. 25, 1994	44	Nov. 4, 1994
Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of Part:** Confidentiality of Personal Information of Persons Served by the Department

2) **Code Citation:** 89 Ill. Adm. Code 431

3) **Section Numbers:** Proposed Action:

431.15	Amend
431.20	Amend
431.30	Amend
431.40	Amend
431.50	Amend
431.60	New Section
431.70	Amend
431.80	New Section
431.90	Amend
431.100	Amend
431.110	Amend
431.120	Amend
431.130	Amend
431.140	Amend

4) **Statutory Authority:** Section 35.1 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5035.1) [20 ILCS 505/35]; the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 801 et seq.) [740 ILCS 110/1]; Section 11 and 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2061 and 2061.1) [325 ILCS 5/11 and 11.1]; the AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7301 et seq.) [410 ILCS 305/1]; and the Protection and Advocacy for Mentally Ill Persons Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 1351 et seq.) [405 ILCS 45/1].

5) **A Complete Description of the Subjects and Issues Involved:** These rules are being amended to implement provisions of recent legislation which created Court Appointed Special Advocates (CASAs) and allow CASAs limited access to confidential information about children for whom the CASA is appointed as an advocate. The proposed amendments also include CASAs in the list of persons on whom the Department may complete a background check for evidence of prior incidents of child abuse/neglect.

Amendments also are proposed to recognize the authority of the Inspector General to impound records, pursuant to Public Act 88-7, when conducting an investigation or carrying out other official duties.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Finally, the rule has been reorganized to more clearly differentiate between a client or subject's access to their own record information and the Department's authority to share information with other professionals who are providing services to the client/subject, investigating reports of a similar nature, or otherwise performing their official duties as prescribed by law.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 E. Monroe St., Station # 222
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

12) Initial Regulatory Flexibility Analysis: The Department has determined that these proposed amendments do not have an affect on small businesses.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431

CONFIDENTIALITY OF PERSONAL INFORMATION
OF PERSONS SERVED BY THE DEPARTMENT

Section	Purpose
431.15	Definitions
431.20	Maintenance of Records
431.30	Required Consents Prior to Disclosure of Personal Information
431.40	<u>Client Access to Case Records</u>
431.50	<u>Subject Access to Records of Child Abuse and Neglect Investigations</u>
431.60	<u>Denial of Requests to Access to Information</u>
431.70	<u>Disclosure of Records of Child Abuse and Neglect Investigations</u>
431.80	<u>Disclosure of Personal Information Without Consent</u>
431.90	<u>Disclosure of Information of a Mental Health Nature</u>
431.100	<u>Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)</u>
431.110	<u>Removal of Records Prohibited</u>
431.120	<u>Release of Personal Information for Research Purposes</u>
431.130	<u>Records by the Office of the Inspector General</u>
431.140	Applicability of This Part

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5035.1) [20 ILCS 505/35]; the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 801 et seq.) [740 ILCS 110/1]; Section 11 and 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2061 and 2061.1) [325 ILCS 5/11 and 11.1]; the AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7301 et seq.) [410 ILCS 305/1]; and the Protection and Advocacy for Mentally Ill Persons Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 1351 et seq.) [405 ILCS 45/1], and authorized by Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/35]; and Section 11.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2061.1) [325 ILCS 5/11 and 11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. _____, amended at 18 Ill. Reg. _____, effective _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 431.15 Purpose

The purpose of these rules is to specify:

- 1) who has access to records which contain personal information about persons served by the Department, or about the subjects of a child abuse or neglect report made to and investigated by the Department, and who must consent to disclosure release of personal information,
- 2) who may receive to whom the Department may disclose personal information in case records or records of child abuse investigations without prior consent, and
- 3) under what conditions access to records will be granted or denied by the Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 431.20 Definitions

"Case record" means the records maintained by the Department of Children and Family Services or a provider agency which contain information about the persons to whom the Department is providing child welfare services, either directly or through the purchase of services. Client case records may contain mental health information, child abuse or neglect information, medical information, or other sensitive information which is governed by different access, consent and disclosure requirements.

"Court appointed special advocate" means a person appointed by a court to protect the minor's best interests and insure the proper delivery of child welfare services.

"Disclose" and "permit access to" means to release, transfer, permit examination of, or otherwise communicate information orally, in writing, by electronic means or in any other manner.

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that some credible evidence of the alleged abuse or neglect exists.

"Minor" means any individual who has not reached his 18th birthday.

"Person served by the Department" means any person who receives services or applies for services from the Department through its various offices. The

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

term includes persons who involuntarily are investigated by the Department concerning allegations of child abuse or neglect and who may receive Department services during the course of, or subsequent to, such an investigation.

"Personal information" means any information, excluding work products, which is a part of the permanent record and which describes, locates or indexes anything about an individual including, but not limited to, his education, financial transactions, medical history, criminal or employment records, registration or membership in an organization or activity, or admission to an institution.

"Serious physical injury", for purposes of this Part, includes but is not limited to brain damage, skull fractures, subdural hematomas, internal injuries, wounds, third degree burns, multiple or spiral fractures, poisoning, physical injury when evidence indicates the child has been tortured.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Work product", for the purposes of this Part, means a worker's notes which are not part of the permanent record, concerning interviewing technique, strategies for working with a person served by the Department and personal observations, which are kept for the worker's own personal use and are not disclosed to any other person except the worker's supervisor or attorney.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.30 Maintenance of Records

- a) The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

or neglect to prevent future harassment of the subjects. Additionally, in accordance with Section 7.17 of The Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1999 1991, ch. 23, par. 2057.17) [325 ILCS 5/7.17], the Department may maintain case records containing identifying information related to child abuse or neglect reports.

- b) All identifying information about any indicated report held in the State Central Register or the local index shall be expunged no later than 5 years after the report was indicated unless a different retention period is specified in this Section. However, if a subsequent report involving any of the same subjects, or the siblings or offspring of the child subjects was indicated, identifying information about the subjects of all indicated reports shall be maintained in the State Central Register and the local index in accordance with a retention period specified in this Section.

- c) All identifying information about any indicated report involving the death of a child reported to the State Central Register or local index as of the effective date of this subsection shall be retained for fifty years.

- d) All identifying information about any indicated report involving the sexual penetration of a child reported to the State Central Register as of the effective date of this subsection shall be retained for fifty years.

- e) All identifying information about any indicated report involving the serious physical injury, sexual molestation or sexual exploitation of a child reported to the State Central Register as of the effective date of this subsection shall be retained for twenty years.

- f) All such records shall be of a confidential nature and shall not be made available to the general public.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.40 Required Consents Prior to Disclosure of Personal Information

- a) Except as required allowed in these rules, no personal information obtained concerning a person served by the Department or concerning the subjects of a child abuse or neglect report may be disclosed by the Department without the written consent of that individual, provided that individual has reached 18 years of age.

- b) In the event that the personal information concerns a minor, the written consent of his parent, legal custodian or guardian must be obtained unless the rules in this Part specifically allow for a minor to consent to the release of the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

requested information.

- c) In the event that the personal information concerns any record kept by a therapist or by an agency in the course of providing mental health or developmental disabilities services to a minor consent for release must be obtained in conformity with Sections 804 and 805 of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 804 and 805) [740 ILCS 110/4 and 5].

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 431.50 Client Access to Case Recordsa) Access to Records for Persons Served by the Department

- 1) ~~Except as provided in this Section, each person served by the Department who has reached 12 years of age shall have full access to all records which contain his personal information, unless access is prohibited by this Part. A parent whose parental rights have not been terminated or a guardian of a minor shall have full access to the personal information contained in the records of that minor, unless access is prohibited by this Part.~~

- 2) ~~The Department shall provide access to records within 10 working days of the receipt of the request, if practicable. In instances where the material cannot be easily identified and assembled, the Department will provide the records within a reasonable time. Records shall be viewed in the Department field office, a purchase of service provider office or another location which will not place an undue hardship on the individual. The Department may require that a representative of the Department be present when the records are viewed to interpret the contents of the records. An individual may convey the right to view his records by written statement to an attorney or other person.~~

- 3) ~~Every incidence of release of information to persons outside of the Department shall be recorded in the individual's case file, showing dates and other circumstances related to the release.~~

b) Access to Records of Child Abuse and Neglect Reports

~~The following persons are allowed access to records of child abuse and neglect reports without the consent of the subjects of the report. Other persons who wish access to these records must obtain written consent from the subjects of the report as provided in Section 431.7.~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Department staff in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act or for the purpose of completing background investigations on persons or agencies licensed by the Department, or with whom the Department contracts for the provision of child welfare services;~~
- 2) ~~Department and purchase of service provider staff assessing children and families in which abuse or neglect has occurred or providing services to these children and families;~~
- 3) ~~Department staff verifying whether a child care facility subject to Department licensing is owned or operated by the perpetrators of child abuse or neglect or whether employees or volunteers who work directly with children have been the perpetrators of child abuse or neglect;~~
- 4) ~~Law enforcement officers investigating a report of suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when a child is alleged to be involved;~~
- 5) ~~The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984 (Ill. Rev. Stat. 1989, ch. 23, par. 2-25.1 et seq.);~~
- 6) ~~States' Attorneys who need access to child abuse or neglect information in the course of their assigned duties;~~
- 7) ~~Physicians examining a child where abuse or neglect is suspected;~~
- 8) ~~Subjects, including minor subjects, of reports of suspected abuse or neglect. However, the identity or location of persons reporting or cooperating in an investigation shall not be provided to any subject, unless a subject appeals an indicated finding and a hearing officer determines that the lack of such information would prejudice the appellant's case or violate due process of law principles. In addition, the Department may seek a court order prohibiting the release to the subjects of a report of any information deemed likely to be harmful to them. The circumstances under which the hearing officer will be allowed to order the disclosure to the appellant of the names of reporters or persons cooperating in the investigation, include but are not limited to, the following:~~

A) ~~Testimony must have been offered by the appellant that the~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~reporter or collateral witnesses demonstrated bias, motive, reason to fabricate or that the reporter or collateral witnesses have other information relevant to the testimony of the reporter or collateral witness.~~

~~B) The appellant must provide the hearing officer in private with the names of the person(s) believed to be the reporter or collateral witness(es);~~

~~C) The individual presenting the Department's case at the hearing would then disclose the identity of the person(s) to the hearing officer in an in-camera setting;~~

~~D) If the reporter or collateral witness(es) is the same as the person(s) named by the appellant, then the identity will be disclosed to the appellant. Otherwise, no disclosure will be made;~~

~~9) The guardian of the person or guardian ad litem of a child who is the subject of a report;~~

~~10) A court, upon its finding that access is necessary to determine an issue before the court. Unless the court determines that disclosure of the information in open court is necessary, such access is limited to an inspection by the judge in his chambers or in a court room free of spectators;~~

~~11) A grand jury which determines that access is necessary to conduct its official business;~~

~~12) Persons who have been authorized by the Director, in writing, to review the records for audit or research purposes or to review such records in the regular course of the Department's business. Such access shall be time limited or limited to specific staff functions;~~

~~13) Persons authorized to take temporary protective custody only if the information is needed to determine whether to take the child into temporary protective custody;~~

~~14) A person who has legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the welfare of a child who is the subject of a report;~~

~~15) Law enforcement officers, coroners or medical examiners, physicians,~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations. Such information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state;~~

~~16) The Illinois Department of Professional Regulation, when determining whether a mandated reporter who failed to report child abuse or neglect should be subject to license suspension or revocation, or when determining whether to refuse to issue, suspend or revoke the license of the following classes of persons due to the person having been named a perpetrator in an indicated report of child abuse or neglect:~~

- ~~A) Physicians~~
- ~~B) Physicians' Assistants~~
- ~~C) Dentists~~
- ~~D) Registered and practical nurses~~
- ~~E) Optometrists~~
- ~~F) Physical Therapists~~
- ~~G) Podiatrists~~
- ~~H) Psychologists~~
- ~~I) Social Workers~~
- ~~J) Athletic Trainers~~

~~17) School superintendents and the State Board of Education when determining whether a teacher's certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect;~~

~~18) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect;~~

~~19) The Director of a State-operated facility when an employee of that facility has been named as a perpetrator of an indicated report or~~

~~20) Members of a multidisciplinary team in the furtherance of its responsibilities under this Act;~~

~~21) The operator of a licensed child-care facility or a facility licensed by the Department of Alcoholism and Substance Abuse in which children reside when a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report;~~

~~a) Except as provided in this Section, persons served by the Department who have~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

reached 12 years of age shall have full access to all records which contain their personal information, unless access is prohibited specifically by this Part. A parent whose parental rights have not been terminated or a guardian of the person of a minor shall have full access to the personal information contained in the records of said minor, unless access is prohibited specifically by this Part.

- b) The Department shall provide access to records within 10 working days of the receipt of the request, if practicable. In instances where the material cannot be easily identified and assembled, the Department will provide the records within a reasonable time. Records shall be viewed in the Department field office, a purchase of service provider office or another location which will not place an undue hardship on the individual. The Department may require that a representative of the Department be present when the records are viewed to interpret the contents of the records. Individuals may convey the right to view their records by a written statement to an attorney or other person.

- c) Every incidence of release of information to persons outside of the Department shall be recorded in the case record.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.60 Subject Access to Records of Child Abuse and Neglect Investigations

- a) Subjects, including minor subjects, of reports of suspected abuse or neglect which have been indicated or which are retained as evidence of false reporting are allowed access to the child abuse/neglect investigative record. However, no information will be released during the pendency of an investigation before the Department has determined whether the report is indicated or unfounded. In addition, the identity or location of persons reporting or cooperating in such investigations shall not be provided to any subject, unless a subject appeals an indicated finding and a hearing officer determines that the lack of such information would prejudice the appellant's case or violate due process of law principles. In addition, the Department may seek a court order prohibiting the release to the subjects of a report of any information deemed likely to be harmful to them. The circumstances under which the hearing officer will be allowed to order the disclosure to the appellant of the names of reporters or other persons cooperating in the investigation, include but are not limited to, the following:

- 1) Testimony must have been offered by the appellant that the reporter or collateral witnesses demonstrated bias, motive, reason to fabricate or that the reporter or collateral witnesses have other information relevant to the testimony of the reporter or collateral witness.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) The appellant must provide the hearing officer in private with the names of the person(s) believed to be the reporter or collateral witness(es):

- 3) The individual presenting the Department's case at the hearing would then disclose the identity of the person(s) to the hearing officer in an in-camera setting:

- 4) If the reporter or collateral witness(es) is the same as the person(s) named by the appellant, then the identity will be disclosed to the appellant. Otherwise, no disclosure will be made.

- b) The guardian of the person or guardian ad litem of a child who is the subject of a report may have access to the investigative record, as limited in (a) above.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 431.70 Denial of Requests to Access to Information

a) Adoption Records

- 1) The Department shall deny a person personal information in situations involving adoption when the information would allow that individual to determine the identity of parents, siblings, or other relatives; or would allow the individual the opportunity to determine the whereabouts of a child which was voluntarily or involuntarily relinquished for adoption. The Director of the Department may release this information following an evaluation that, in the Director's opinion, releasing the information is in the best interests of all persons involved in the adoption of the child.

- 2) Parents whose parental rights have been surrendered or legally terminated may indicate in writing whether they would allow their child to have access to their name(s) and information about them at some time in the future. This written statement shall be provided when the child is relinquished for adoption. When the parents have requested that their name(s) and information about them not be released to the child at a later date, their request shall be respected insofar as permissible by state or federal law or regulation. One-significant federal law is the Indian Child Welfare Act. Under this law the parent shall be entitled to absolute anonymity in the case of voluntary relinquishment upon request.

- 3) All requests shall be included both in the parents' and child(ren)'s records.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

b) Information Which May Not Be Accessed

Persons shall be denied access to information which will identify the source of any information obtained during a child abuse or neglect investigation, (except as permitted in Section 431.6 above for purposes of conducting an administrative hearing), an adoptive investigation, a licensing investigation, or a study in preparation for a dispositional order under the Juvenile Court Act of 1987 if the information was given before or after the effective date of these rules under the express or implied promise that the identity of the information source would be held in confidence.

c) Information to Locate a Child

An individual may be denied access to information which would cause him allow that person to determine the physical location of a child which was removed from his the individual's custody in accordance with the Juvenile Court Act of 1987. This information shall be denied only if:

- 1) there is reasonable cause to believe that the child, foster parents or others caring for the child will be in danger if the child's whereabouts were known; or
- 2) the individual is likely to remove the child from the jurisdiction of the court.

d) Confidential Information About a Minor

The Department shall not release the following information without the consent of the minor:

- 1) information given to the Department by minors under the Department's assurance of confidentiality; and
- 2) information about a minor's consent to their own or their children's medical care.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.80 Disclosure of Records of Child Abuse and Neglect Investigations

Record information about child abuse and neglect investigations may be shared with the following individuals without the consent of the subjects of the report.

- a) Department staff in the furtherance of their responsibilities under the Abused

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

and Neglected Child Reporting Act or for the purpose of completing background investigations on persons or agencies licensed by the Department or through whom the Department provides child welfare or day care services, and on court appointed special advocates;

- b) Department and purchase of service provider staff assessing children and families in which abuse or neglect has occurred or providing services to these children and families;

- c) Department staff verifying whether a child care facility subject to Department licensing is owned or operated by known perpetrators of child abuse or neglect or whether employees or volunteers who work directly with children have been found to be the perpetrators of child abuse or neglect;

- d) Law enforcement officers investigating a report of suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when children are alleged to be involved;

- e) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984 (Ill. Rev. Stat. 1991, ch. 23, par. 2251 et seq.) [325 ILCS 40/1];

- f) States' Attorneys who need access to child abuse or neglect information in the course of their assigned duties;

- g) Physicians examining a child where abuse or neglect is suspected;

- h) A court, upon its finding that access is necessary to determine an issue before the court. Unless the court determines that disclosure of the information in open court is necessary, such access is limited to an inspection by the judge in his chambers or in a court room free of spectators.

- i) A grand jury which determines that access is necessary to conduct its official business;

- il) Persons who have been authorized by the Director, in writing, to review the records for audit or research purposes or to review such records in the regular course of the Department's business. Such access shall be time limited or limited to specific staff functions.

- k) Persons authorized to take temporary protective custody only if the information is needed to determine whether to take the child into temporary protective custody;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

l) A person who has legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the welfare of a child who is the subject of a report;

m) Law enforcement officers, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations. Such information shall be requested only for the purpose of aiding the investigation, assessment or service provision or background investigation in the requesting state;

n) The Illinois Department of Professional Regulation, when determining whether a mandated reporter who failed to report child abuse or neglect should be subject to license suspension or revocation, or when determining whether to refuse to issue, suspend or revoke the license of the following classes of persons due to the person having been named a perpetrator in an indicated report of child abuse or neglect:

- 1) Physicians.
- 2) Physicians' Assistants.
- 3) Dentists.
- 4) Registered and practical nurses.
- 5) Optometrists.
- 6) Physical Therapists.
- 7) Podiatrists.
- 8) Psychologists.
- 9) Social Workers, or
- 10) Athletic Trainers.

o) School superintendents and the State Board of Education when determining whether a teacher's certificate shall be suspended because the teacher has been named as a perpetrator in an indicated report of child abuse or neglect;

p) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect;

q) The Director of a State-operated facility when an employee of that facility has been named as a perpetrator of an indicated report;

r) Members of a multidisciplinary team in the furtherance of its responsibilities under this Act; or

s) The operator of a licensed child care facility or a facility licensed by the Department of Alcoholism and Substance Abuse in which children reside when

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual:

1) Law Enforcement Officers

A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the child's safety and well-being or when the information is relevant to a pending investigation.

B) If personal information is requested by law enforcement officers other than listed in subsection (A), or if the information requested is not consistent with the safety and well-being of the child or family served by the Department, the information may be released only by the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders

A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

B) In the event that a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in the subsection above. If a subpoena

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the child's safety and well-being.

- C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children which is subject to discovery under the laws of the State of Illinois to him or his attorney.

3) Legislators

Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or committees or commissions thereof. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers

- A) With the exception of mental health records, as provided for in Section 431.7 10, personal information may be released by any Department employees acting within his ~~their~~ official capacity to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of "AN ACT for the ~~protection~~ ~~and advocacy of mentally ill persons~~" Protection and Advocacy for Mentally Ill Persons Act (Ill. Rev. Stat. 1987 1991, ch. 91 1/2, par. 1351 et seq.) [405 LCS 45/1], and to psychiatrists, psychologists, doctors, social workers, other employees, volunteers, homemakers, contractors, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when necessary for the proper administration of the programs of the Department or the proper delivery of services to the persons served by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

a current or prospective employee of that facility has been named as a perpetrator in an indicated child abuse or neglect report.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 431.90 Disclosure of Personal Information Without Consent

a) Persons Who May Receive Personal Information Without Consent

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual:

1) Law Enforcement Officers

- A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the child's safety and well-being or when the information is relevant to a pending investigation.
- B) If personal information is requested by law enforcement officers other than listed in subsection (A), or if the information requested is not consistent with the safety and well-being of the child or family served by the Department, the information may be released only by the Director of the Department or his designee.

2) Persons Who Have Subpoenas or Other Court Orders

- A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.
- B) In the event that a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in the subsection above. If a subpoena

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the child's safety and well-being.

- C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children which is subject to discovery under the laws of the State of Illinois to him or his attorney.

3) Legislators

Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or committees or commissions thereof. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

4) Professionals or Other Service Providers

- A) With the exception of mental health records, as provided for in Section 431.7 10, personal information may be released by any Department employees acting within ~~the~~ their official capacity to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of ~~"AN ACT for the protection and advocacy of mentally ill persons"~~ "Protection and Advocacy for Mentally Ill Persons Act" (Ill. Rev. Stat. ~~4987~~ 1991, ch. 91 1/2, par. 1351 et seq.) [405 ILCS 45/1], and to psychiatrists, psychologists, doctors, social workers, other employees, volunteers, homemakers, contractors, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when necessary for the proper administration of the programs of the Department or the proper delivery of services to the persons served by the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department.

- B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The person(s) receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.
- C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 802) 1740 ILCS 110/21.
- D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.

5) Court Appointed Special Advocates

Court appointed special advocates may attend administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services which are in the best interests of such minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations.

6) Research Purposes

The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.

7) Others Not Cited Above

Personal information may be released for the purposes and to persons other than those listed in these rules upon the written authorization of the Director when such authorization is not prohibited by state or federal law or regulation or rule.

b) Responses to Requests for Information

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Written Requests

A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.

B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.

2) Telephone Requests

A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by the rules in this Part to receive the information which they are requesting.

C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.

3) In-Person Requests

A) The Department shall accept in-person requests for the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.

B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.100 Disclosure of Information of a Mental Health Nature

Release of and access to clinical, social work, psychological, psychiatric or other information of a mental health nature shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 802) [740 ILCS 110/2]. Significant portions of that Act are as follows:

a) *The following persons shall be entitled, upon request, to inspect and copy a recipient's record or any part thereof:*

- 1) *the parent or guardian of a recipient who is under 12 years of age;*
- 2) *the recipient if he is 12 years of age or older;*
- 3) *another person on such recipient's behalf if the recipient so authorizes in writing;*
- 4) *the parent or guardian of a recipient who is at least 12 but under 18 years, if the recipient is informed and does not object or if the therapist does not find that there are compelling reasons for denying such access. The parent or guardian who is denied access by either the recipient or the therapist may petition a court for access to the record; or*
- 5) *the guardian of a recipient who is 18 years or older.*

b) Except as otherwise provided in the Mental Health and Developmental Disabilities Confidentiality (MH/DD) Act records and communications as defined in that Act (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 802) [740 ILCS 110/2] may be disclosed only with the written consent of:

- 1) *the parent or guardian of a recipient who is under 12 years;*
- 2) *both the parent or guardian of a recipient who is at least 12 but under 18 years and the recipient. If only the recipient refuses to consent there*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

shall be no disclosure unless the therapist finds that such disclosure is in the best interests of such recipient. If the parent or guardian refuses to consent, disclosure shall not be made except to an attorney appointed to represent the minor recipient or requested by the minor recipient in writing to represent him or her; or

3) *the recipient if he is 18 years or older or his guardian if he has been adjudicated incompetent.*

- c) Information disclosed with the written consent of those described in subsections (b) (1) through (3) above may not be redisclosed to any other person without the express written consent of those described in subsections (b) (1) through (3). Those persons authorized to give consent may revoke their consent at any time.
- d) Where the Department has legal guardianship of a child under 12 years, the Department may deny access of the natural parents to information pertaining to the child's mental health only if two (2) professional social workers (Master of Social Work degree) employed by the Department certify in writing that denial of such access is in the best interest of the child and/or parents.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)

- a) The Department shall be informed of the results of Human Immunodeficiency Virus (HIV) tests performed on and of all diagnoses of AIDS Related-Complex (ARC) or Acquired Immunodeficiency Syndrome (AIDS), as defined in Public Health rules, 77 Ill. Adm. Code 697, (AIDS Confidentiality and Testing Code), for children for whom the Department is legally responsible.

- b) The Department shall release information on children for whom it is legally responsible regarding HIV test results, diagnoses of ARC or AIDS to the child's legal parents and to persons who have the need to know such information. The categories of persons who have a need to know this information about a child are as follows:

- 1) those persons who supervise or provide direct care to the child such as
- A) foster parents,
 - B) relative caretakers,
 - C) directors or operators of child care facilities, such as group homes, child care institutions, child welfare agencies, state operated facilities, day care homes, day care centers and the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

personnel of such facilities

- i) who provide direct care for a child by feeding, diapering, or handling blood or bodily fluids; or
 - ii) who provide direct care to a child who bites, spits, has a bleeding problem such as nose bleeds or hemophilia or who cannot control normal bodily functions;
- 2) physicians, nurses, dentists and other medical providers who will be providing direct care to the child;
- 3) other persons who provide direct care for a child for whom the information is necessary in order to provide Department approved services for the child, i.e., advocates and counselors; or
- 4) prospective adoptive parents who have been licensed under 89 Ill. Adm. Code 402, who are willing to adopt a child with a terminal illness, and who have demonstrated an interest in a specific child who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS.

- c) Persons to whom the Department has released information regarding HIV test results, diagnoses of ARC or AIDS, shall keep this information confidential in accordance with the provisions of the AIDS Confidentiality Act (Ill. Rev. Stat. 4987 1991, ch. 111 1/2, par. 7301, et seq.) [4.10 ILCS 305/1] and the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). Such information shall not be disclosed to other persons except as authorized by the Department in accordance with subsection (b). Such authorization shall be signed by the Department's Guardianship Administrator or designee as defined by 89 Ill. Adm. Code 327.2 and shall contain the names and respective positions of those individuals to whom the information will be disclosed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.120 Removal of Records Prohibited

Records of the Department may not be removed from Departmental facilities by non-Departmental staff, except as provided in Section 431.13, but may be photocopied. The Department may charge for the cost of reproducing said records at the rate established in 2 Ill. Adm. Code 775, Public Information, Rulemaking, and Organization.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.130 Release of Personal Information for Research Purposes Impoundment of Records by the Office of the Inspector General

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, of the confidentiality of individually identifying information. The researcher shall not release any identifying information without the express written permission of the Director.~~

- a) ~~The Office of the Inspector General of the Department, pursuant to Public Act 88-7, may impound records, files, documents and papers from any Department office, facility, foster home or facility or program operated for or licensed by the Department.~~
- b) ~~During business hours an Office of Inspector General investigator may impound records by means of an unannounced visit to the facility, home or program. If it is necessary to impound records after working hours, the investigator may access a Department facility, home or program by contacting the Department administrator designated by the Director. If the investigator must gain access to a private agency facility, home or program, the investigator may do so by contacting the private agency administrator responsible for the facility, home or program.~~
- c) ~~The Office of Inspector General investigator will impound the original of any record, file, document or paper necessary for the investigation. Photocopies of the originals may be made in the presence of the investigator for purposes of a working file that remains at the facility.~~
- d) ~~The investigator will return all documents upon completion of the investigation or any subsequent proceedings resulting from the investigation.~~

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 431.140 Applicability of This Part

This Part shall apply to personal information contained in all closed, active and future records of the Department, regardless of whether they are maintained in written, microfilm, or electronic storage.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Department of Children and Family Services Employee Conflict of Interest
- 2) Code Citation: 89 Ill. Adm. Code 437
- 3) Section Numbers: Proposed Action:
437.7 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, pars. 132.5 and 132.11 - 1 through 132.120 [30 ILCS 505/5 and 30 ILCS 505/11.1 through 505/12]; Article 4A of the Illinois Governmental Ethics Act (Ill. Rev. Stat. 1991, ch. 127, par. 604A - 101 et seq.) [5 ILCS 420/4A - 101 et seq.]; Section 16 of the Civil Administration Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 160 [20 ILCS 5/16] and Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/4].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules describe those positions within the Department which will be required to submit the yearly statement disclosing their economic interests under the Illinois Governmental Ethics Act.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: Yes ___ X ___ No
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3 (b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Children and Family Services
406 East Monroe Street
Springfield, Illinois 62701-1498

Phone: (217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period.

- 12) Initial Regulatory Flexibility Analysis: Not applicable.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
EMPLOYEE CONFLICT OF INTEREST

Section	Purpose
437.1	Definitions
437.2	Department Statutory Responsibilities
437.3	Prohibition of Employee Interests Which May Influence the
437.4	Department's Statutory Duties
437.5	Prohibition of Employee Interests Which May Influence the
437.6	Department's Grant or Purchase of Service Programs
437.7	Prohibitions Under the Illinois Purchasing Act
437.8	Requirements of the Governmental Ethics Act
437.9	Prohibition of Employee Conflicts in the Care of Children
	Violations of Part 437

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, pars. 132.5 and 132.11-1 through 132.12) [30 ILCS 505/5 and 30 ILCS 505/11.1 through 505/12]; Article 4A of the Illinois Governmental Ethics Act (Ill. Rev. Stat. 1991, ch. 127, par. 604A-101 et seq.) [5 ILCS 420/4A-101 et seq.]; Section 16 of the Civil Administration Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16] and Section 4 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5004) [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 18 Ill. Reg. _____, effective _____.

Section 437.7 Requirements of the Governmental Ethics Act

- a) Department employees are required by the Illinois Governmental Ethics Act (the Act) (Ill. Rev. Stat. 1983, ch. 127, par. 601-101 et seq.) [5 ILCS 420/1-101 et seq.] to file a yearly statement disclosing their economic interests when employees: ~~their pay is equal to or greater than the amount stipulated by the Act as amended. Employees to whom the Act applies are notified by mail of the requirement by the~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Index-Department-of-the-Office-of-the-Secretary-of-State-

- 1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State.
- 2) have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by State in the amount of \$5,000 or more.
- 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State.
- 4) have authority for the approval of professional licenses.
- 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities.
- 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding within the authority of the State; or
- 7) have supervisory responsibility for 20 or more employees of the State.

b) Employees affected by this Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15.00 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100.00 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15.00 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.

c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Services Charges2) Code Citation: 59 Ill. Adm. Code 106

3) Section Numbers:
106.45
Proposed Action:
Amended

4) Statutory Authority: Implementing Section 5-105 of the Mental Health and Developmental Disabilities Code Act [405 ILCS 5/5-106] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues Involved: Section 106.45 is being amended to incorporate provisions of the Department of Public Aid's rule at 89 Ill. Adm. Code 120.61 that permit a deduction from income for allowances for both the spouse of an individual who is receiving services in a Department facility and for the individual's dependent family member(s) before any services charges are imposed.

6) Will this proposed amendment replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.
This proposed amendment does not contain any incorporations by reference.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

12) Initial Regulatory Flexibility Analysis:

- | | |
|----|--|
| A) | Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Upon publication in the Illinois Register. |
| B) | Types of small business affected: This rulemaking does not impact small businesses. |
| C) | Reporting, bookkeeping or other procedures required for compliance: None. |
| D) | Types of professional skills necessary for compliance: None. |

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

**TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES**

**PART 106
SERVICES CHARGES**

Section	Estates of recipients admitted to state hospitals (repealed)
106.10	Definitions
106.15	Maximum charges for treatment (repealed)
106.20	Charges for services
106.25	Liability for treatment charges (repealed)
106.30	Liability for services charges
106.35	Determination of ability to pay treatment charges (repealed)
106.40	Determination of ability to pay services charges
106.45	Standards for ability to pay treatment charges (repealed)
106.50	Allowances for unusual expenses or circumstances in determining ability to pay treatment charges (repealed)
106.60	Allowances for unusual expenses and/or exceptional circumstances in determining ability to pay services charges
106.65	Petition for release from or modification of treatment charges (repealed)
106.70	Petition for release from or modification of services charges
106.75	Computing costs of hospitalization of recipients (repealed)
106.80	Computing monthly costs of recipient services charges
106.85	Partial payment of cost of maintenance for certain mentally retarded persons in licensed private facilities (repealed)
106.90	Partial payment of costs of maintenance for certain mentally ill children in licensed private facilities (repealed)
106.100	A - Responsible Relative Liability

AUTHORITY: Implementing Chapter 5 of the Mental Health and Developmental Disabilities Code (III. Rev. Stat. 1989, ch. 91, para. 5-100 et seq.) [405 ILCS 5/5-100 through 5-117], and Section 11 of the Mental Health and Developmental Disabilities Confidentiality Act (III. Rev. Stat. 1989, ch. 91, par. 9-11) [740 ILCS 110/11], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (III. Rev. Stat. 1989, ch. 91, par. 5-104) [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (III. Rev. Stat. 1989, ch. 91, par. 100-5, as amended by P.A. 86-1324, effective September 6, 1990) [20 ILCS 1705/5].

SOURCE: Filed effective October 1, 1969; codified at 5 Ill. Reg. 10721; amended at 6 Ill. Reg. 879, effective January 15, 1982; emergency amendment at 7 Ill. Reg. 13690, effective October 1, 1983 for a maximum of 150 days; amended at 8 Ill. Reg. 22555, effective November 7, 1984; amended at 11 Ill. Reg. 17197, effective October 9, 1987; amended at 12 Ill. Reg. 10472, effective June 7, 1988; amended at 13 Ill. Reg. 10472, effective June 7, 1988.

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

amended at 12 Ill. Reg. 18158, effective October 31, 1988; amended at 13 Ill. Reg. 3821, effective March 14, 1989; amended at 15 Ill. Reg. 1555, effective January 22, 1991; amended by 18 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 106.45 Determination of ability to pay services charges

a) The Department, in determining the ability of the responsible person (recipient, responsible relative, guardian, trustee and/or payee) to pay services charges, shall assemble any necessary information pertaining to his or her financial status and shall then set the amount for which the responsible person shall be held liable. Recipients and all responsible persons must furnish financial information on admission or as soon thereafter as possible to enable the Department to make a proper determination of the sources available for the cost of services charges. The liability for payment of services charges shall be based on information available at the time of determination. (Such data may include savings, trusts, wills, evidence of indebtedness, evidence of court-ordered payments, and the like.) Each person for whom a determination has been made shall be issued a form DMHDD-612, Notice of Determination, notifying the person of his or her liability. Such notice shall be issued even when current determined liability is \$0.00.

b) When there is a demonstrated ability to pay, payment for services is an obligation established by Sections 5-100 through 5-117 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-100 through 5-117] against the recipient, responsible relatives, guardians, trustees and/or payees (~~Ill. Rev. Stat. 1989, ch. 91, par. 5-100 through 5-117.~~).

c) If the responsible person fails to submit financial information as requested, the Department may assess services charges at the maximum rate of charge as provided in Section 106.25 until such information is supplied and an actual assessment can be determined. In the absence of billing during the period covered in such instances, the Department may consider that notices and requests for information as previously sent shall constitute ample notice of liability and indebtedness for such period. However, in subsequent review or annual redetermination involving responsible relatives, no services charges shall be retroactively established prior to the date of contact for financial information.

d) Subsequent review could be initiated by the recipient of services prior to the annual redetermination due to changes in the ability to pay or as a result of an administrative hearing or by the Board of

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

Reimbursement Appeals. Recipients and responsible relatives have a responsibility to inform the Department of any changes.

e) Liability of responsible relatives shall be reviewed annually and such responsible relatives shall be requested to submit copies of their most recent U.S. Individual Income Tax Return. This information will be used as a basis for determining services charges in accordance with this Part and the schedule of charges in Section 106. Table A.

f) The determination by the Department of the liability of a responsible person to pay an amount up to the maximum rate as established in Sections 106.25 and 106.25(b) shall continue in force until the Department determines a different amount on the basis of changes in circumstances surrounding the person's ability to pay, or until a change has been made in the standards of ability to pay set forth in Sections 106.25 and 106.25(b) or until a release from or a modification of services charges is granted upon a hearing on the petition of a person liable in accordance with Section 106.75 and Section 5-111 of the Mental Health and Developmental Disabilities Code (~~Ill. Rev. Stat. 1989, ch. 91, par. 5-111~~) [405 ILCS 5/5-111].

g) The determination of the ability to pay and amount of liability of the recipient for services charges, up to the prevailing maximum rate established for recipients in Section 106.25, shall be based on all assets and income of the recipient. After considering the recipient's legal dependent's financial needs as covered in Section 106.45(j)(k), all resources and assets are reduced to the allowable reserve exemption in accordance with Section 106.45(h).

h) The allowable reserve exemption, as provided for in Section 5-106 of the Mental Health and Developmental Disabilities Code (~~Ill. Rev. Stat. 1989, ch. 91, par. 5-106~~) [405 ILCS 5/5-106], is determined by the amount of assets owned at the time of the recipient's admission except that the allowable reserve exemption from all sources cannot exceed that established by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.382. The recipient's allowable reserve exemption can only be increased by the unused portions of the monthly personal and clothing allowance or unspent workshop or other monetary incentive funds, such as living skills program funds. Payments to be paid by the recipient for services charges may not be deferred to build a reserve up to the maximum amount allowed.

i) If the recipient becomes eligible and is approved for Medicaid (42 U.S.C.A. 1396a et seq., 1983 (1992)), 42's CFR 430 et seq., 1983 (1992) and ~~the~~ the Department of Public Aid's rules at 489 Ill. Adm. Code 120.40 and 120.382 govern the allowable reserve and personal and clothing allowance.

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

i) The Department shall allow deductions from income for a community spouse maintenance needs allowance and a family maintenance needs allowance for each dependent family member who does not have enough income to meet his or her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

1) The deduction for the community spouse maintenance needs allowance, as set forth in the Department of Public Aid's rule at 89 Ill. Adm. Code 120.61(d), is equal to the community spouse maintenance needs standard less any non-exempt monthly income of the community spouse. The deduction is allowed only to the extent that income of the spouse who is receiving services at a Department-operated facility is contributed to the community spouse. However, the deduction for the community spouse maintenance needs allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

2) The deduction for the family maintenance needs allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard and any non-exempt income of the family member as set forth in the Department of Public Aid's rule at 89 Ill. Adm. Code 120.61(d).

3) Prior to the assessment of services charges against a recipient of services, the Department shall review the financial needs of the recipient's legal dependents. The financial needs of these legal dependents shall be based on amounts expended up to an amount equal to the minimum yearly income for which a responsible relative would be subject to a charge as shown in Section 106, Table A. Any amounts as allowed which are not expended for support of legal dependents claimed on the recipient's U.S. Individual Income Tax Return, shall be subject to services charges.

4) When it is necessary for the Department to disclose information in order to collect services charges, such disclosure shall be limited to information needed to pursue collection, and the information so disclosed shall not be used for any other purpose nor shall it be redisclosed except in connection with such collection activities (Section 11 of the Mental Health and Developmental Disabilities Confidentiality Act, ~~Ill. Rev. Stat. 1980, ch. 81, par. 8-11~~) (740 ILCS 110/11).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Numbers: Proposed Action:
211.5060 New
- 4) Statutory Authority:

Implementing Sections 9, 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1009, 1009.1, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

5) A Complete Description of the Subjects and Issues Involved:

The proposed rule addresses vapor controls for the vent pipes of gasoline storage tanks called pressure/vacuum relief valves. The proposed amendment to this Part is a definition of the term "pressure/vacuum relief valve". This control measure is part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the State submitted to USEPA in November of 1993 and is required to adopt all the measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.

6) Will this proposed rule replace an emergency rule currently in effect? Yes _____ X No _____

7) Does this rulemaking contain an automatic repeal date? Yes _____ X No _____

8) Does this proposed amendment contain incorporations by reference? NO

9) Are there any other proposed amendments pending on this Part? NO

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Policy Objectives:

These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805/3(b)).

11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-12 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and

Rachel Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

Also, public hearings are scheduled for June 17, 1994 at 10:00 a.m., James R. Thompson Center, 100 West Randolph St. Suite 11-500, Chicago IL, and if they are necessary, on July 14 and 27, 1994, same time and location. Contact Michelle Dresdow, hearing officer at (815)753-0947 if interested in the hearings.

Questions concerning these amendments may be directed to Rachel Doctors, Illinois Environmental Protection Agency at (217)524-3337 or Michelle Dresdow, Pollution Control Board at (815)753-0947.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 5, 1994
- B) Types of small businesses affected: None; definition addition only
- C) Reporting, bookkeeping or other procedures required for compliance: None

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions
211.122 Definitions (Repealed)

211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.490 Annual Grain Through-Put
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing
211.670 Baked Coatings
211.690 Batch Loading
211.710 Bead-Dipping
211.730 Binders

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant
211.810 Bulk Gasoline Terminal
211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.970 Certified Investigation
211.990 Choke Loading
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1530 Conventional Soybean Crushing Source
211.1550 ConveyORIZED Degreasing
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1710 Degreaser
211.1730 Delivery Vessel
211.1750 Dip Coating
211.1770 Distillate Fuel Oil

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1890	Electrostatic Bell or Disc Spray
211.1910	Electrostatic Spray
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation
211.2130	Existing Grain-Handling Operation
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset-Web-Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating Line
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3490	Low Solvent Coating
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.3790 Miscellaneous Fabricated Product Manufacturing Process
 211.3810 Miscellaneous Formulation Manufacturing Process
 211.3830 Miscellaneous Metal Parts and Products
 211.3850 Miscellaneous Metal Parts and Products Coating
 211.3870 Miscellaneous Metal Parts or Products Coating Line
 211.3890 Miscellaneous Organic Chemical Manufacturing Process
 211.3910 Mixing Operation
 211.3930 Monitor
 211.3950 Monomer
 211.3970 Multiple Package Coating
 211.3990 New Grain-Drying Operation
 211.4010 New Grain-Handling Operation
 211.4030 No Detectable Volatile Organic Material Emissions
 211.4050 Non-contact Process Water Cooling Tower
 211.4070 Offset
 211.4090 One Hundred Percent Acid
 211.4110 One-Turn Storage Space
 211.4130 Opacity
 211.4150 Opaque Stains
 211.4170 Open Top Vapor Degreasing
 211.4190 Open-Ended Valve
 211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
 211.4230 Organic Compound
 211.4250 Organic Material and Organic Materials
 211.4270 Organic Vapor
 211.4290 Oven
 211.4310 Overall Control
 211.4330 Overvarnish
 211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
 211.4370 Owner or Operator
 211.4390 Packaging Rotogravure Printing
 211.4410 Packaging Rotogravure Printing Line
 211.4430 Pail
 211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
 211.4470 Paper Coating
 211.4490 Paper Coating Line
 211.4510 Particulate Matter
 211.4530 Parts Per Million (Volume) or PPM (Vol)
 211.4550 Person
 211.4590 Petroleum
 211.4610 Petroleum Liquid
 211.4630 Petroleum Refinery
 211.4650 Pharmaceutical
 211.4670 Pharmaceutical Coating Operation
 211.4690 Photochemically Reactive Material
 211.4710 Pigmented Coatings
 211.4730 Plant
 211.4750 Plasticizers

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4770 PM-10
 211.4790 Pneumatic Rubber Tire Manufacture
 211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
 211.4830 Polyester Resin Material(s)
 211.4850 Polyester Resin Products Manufacturing Process
 211.4870 Polystyrene Plant
 211.4890 Polystyrene Resin
 211.4910 Portable Grain-Handling Equipment
 211.4930 Portland Cement Manufacturing Process Emission Source
 211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
 211.4970 Potential to Emit
 211.4990 Power Driven Fastener Coating
 211.5030 Pressure Release
 211.5060 Pressure/Vacuum Relief Valve
 211.5050 Pressure Tank
 211.5070 Prime Coat
 211.5090 Primer Surfacer Coat
 211.5110 Primer Surfacer Operation
 211.5130 Primers
 211.5150 Printing
 211.5170 Printing Line
 211.5185 Process Emission Source
 211.5190 Process Emission Unit
 211.5210 Process Unit
 211.5230 Process Unit Shutdown
 211.5250 Process Weight Rate
 211.5270 Production Equipment Exhaust System
 211.5310 Publication Rotogravure Printing Line
 211.5330 Purged Process Fluid
 211.5350 Reactor
 211.5370 Reasonably Available Control Technology (RACT)
 211.5390 Reclamation System
 211.5410 Refiner
 211.5430 Refinery Fuel Gas
 211.5450 Refinery Fuel Gas System
 211.5470 Refinery Unit or Refinery Process Unit
 211.5490 Refrigerated Condenser
 211.5500 Regulated Air Pollutant
 211.5510 Reid Vapor Pressure
 211.5530 Repair
 211.5550 Repair Coat
 211.5570 Repaired
 211.5590 Residual Fuel Oil
 211.5610 Restricted Area
 211.5630 Retail Outlet
 211.5650 Ringelmann Chart
 211.5670 Roadway
 211.5690 Roll Coater

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6030	Smoke
211.6050	Smokeless Flare
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6690	Topcoat Operation
211.6710	Touch-Up
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6870	Unregulated Safety Relief Valve
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1009, 1009.1, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201:

Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: DEFINITIONS

Section 211.5060 Pressure/Vacuum Relief Valve

"Pressure/vacuum relief valve" means a device affixed to the storage tank vent pipe to prevent the escape or intrusion of gases.

(Source: Added at _____ Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for Chicago Area

- 2) Code Citation: 35 Ill. Adm. Code 218

- 3) Section Numbers: Proposed Action:

218.112 Amend
218.583 Amend

- 4) Statutory Authority:

Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

- 5) A Complete Description of the Subjects and Issues Involved:

The proposed rules address vapor controls for the vent pipes of gasoline storage tanks called a pressure/vacuum relief valve. The definition of "pressure/vacuum relief valve" is contained in proposed amendments to 35 Ill. Adm. Code 211. The proposed amendments require the installation of pressure/vacuum relief valves on gasoline storage tanks as specified in the proposed amendments, below. This control measure is part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the State submitted to USEPA in November of 1993 and is required to adopt all the measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes ☐ No ☒

- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 8) Do these proposed amendments contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Policy Objectives:

These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805/3(b)).

- 11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-12 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and

Rachel Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

Also, public hearings are scheduled for June 17, 1994 at 10:00 a.m., James R. Thompson Center, 100 West Randolph St. Suite 11-500, Chicago IL, and if they are necessary, on July 14 and 27, 1994, same time and location. Contact Michelle Dresdow, hearing officer at (815)753-0947 if interested in the hearings.

Questions concerning these amendments may be directed to Rachel Doctors, Illinois Environmental Protection Agency at (217)524-3337 or Michelle Dresdow, Pollution Control Board at (815)753-0947.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 5, 1994

- B) Types of small businesses affected: gasoline dispensing operations

- C) Reporting, bookkeeping or other procedures required for compliance: Owners and operators will be required to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

test the valve annually. Recordkeeping will be required in subsection 218.583(a)(4). Registration with the Illinois Environmental Protection Agency will be required as specified in proposed subsection 218.583(e). Registration requirements, where they apply, are consistent with and in lieu of permitting requirements.

- D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvents
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
218.121	Storage Containers
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates (Repealed)
218.126	Compliance Plan (Repealed)

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations
218.142	Pumps and Compressors
218.143	Vapor Blowdown
218.144	Safety Relief Valves

SUBPART E: SOLVENT CLEANING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
218.181
218.182
218.183
218.184
218.185
218.186

Solvent Cleaning in General
Cold Cleaning
Open Top Vapor Degreasing
Conveyorized Degreasing
Compliance Schedule (Repealed)
Test Methods

SUBPART F: COATING OPERATIONS

Section
218.204
218.205
218.206
218.207
218.208
218.209
218.210
218.211

Emission Limitations
Daily-Weighted Average Limitations
Solids Basis Calculation
Alternative Emission Limitations
Exemptions from Emission Limitations
Exemption from General Rule on Use of Organic Material
Compliance Schedule
Recordkeeping and Reporting

SUBPART G: USE OF ORGANIC MATERIAL

Section
218.301
218.302
218.303
218.304

Use of Organic Material
Alternative Standard
Fuel Combustion Emission Units
Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section
218.401
218.402
218.403
218.404
218.405

Flexographic and Rotogravure Printing
Applicability
Compliance Schedule
Recordkeeping and Reporting
Heatset-Web-Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC
ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section
218.421
218.422
218.423
218.424
218.425
218.426
218.427
218.428

General Requirements
Inspection Program Plan for Leaks
Inspection Program for Leaks
Repairing Leaks
Recordkeeping for Leaks
Report for Leaks
Alternative Program for Leaks
Open-Ended Valves

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.429
218.430

Standards for Control Devices
Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND
RELATED INDUSTRIES; ASPHALT MATERIALS

Section
218.441
218.442
218.443
218.444
218.445
218.446
218.447
218.448
218.449
218.450
218.451
218.452
218.453

Petroleum Refinery Waste Gas Disposal
Vacuum Producing Systems
Wastewater (Oil/Water) Separator
Process Unit Turnarounds
Leaks: General Requirements
Monitoring Program Plan for Leaks
Monitoring Program for Leaks
Recordkeeping for Leaks
Reporting for Leaks
Alternative Program for Leaks
Sealing Device Requirements
Compliance Schedule for Leaks
Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
218.461
218.462
218.463
218.464
218.465
218.466

Manufacture of Pneumatic Rubber Tires
Green Tire Spraying Operations
Alternative Emission Reduction Systems
Emission Testing
Compliance Dates (Repealed)
Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
218.480
218.481

218.482

218.483
218.484
218.485
218.486
218.487
218.488
218.489

Applicability
Control of Reactors, Distillation Units, Crystallizers,
Centrifuges and Vacuum Dryers
Control of Air Dryers, Production Equipment Exhaust
Systems and Filters
Material Storage and Transfer
In-Process Tanks
Leaks
Other Emission Units
Testing
Monitoring for Air Pollution Control Equipment
Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.521 Definitions (Repealed)
 218.525 Emission Limitations for Air Oxidation Processes
 218.526 Testing and Monitoring
 218.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
 218.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
 218.561 Architectural Coatings
 218.562 Paving Operations
 218.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
 218.581 Bulk Gasoline Plants
 218.582 Bulk Gasoline Terminals
 218.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
 218.584 Gasoline Delivery Vessels
 218.585 Gasoline Volatility Standards
 218.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

Section
 218.601 Perchloroethylene Dry Cleaners
 218.602 Applicability
 218.603 Leaks
 218.604 Compliance Dates (Repealed)
 218.605 Compliance Plan (Repealed)
 218.606 Exception to Compliance Plan (Repealed)
 218.607 Standards for Petroleum Solvent Dry Cleaners
 218.608 Operating Practices for Petroleum Solvent Dry Cleaners
 218.609 Program for Inspection and Repair of Leaks
 218.610 Testing and Monitoring
 218.611 Applicability for Petroleum Solvent Dry Cleaners
 218.612 Compliance Dates (Repealed)
 218.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
 218.620 Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.621 Exemption for Waterbase Material and Heatset-Offset Ink
 218.623 Permit Conditions (Repealed)
 218.624 Open Top Mills, Tanks, Vats or Vessels
 218.625 Grinding Mills
 218.626 Storage Tanks
 218.628 Leaks
 218.630 Clean Up
 218.636 Compliance Schedule
 218.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
 218.640 Applicability
 218.642 Emissions Limitation at Polystyrene Plants
 218.644 Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section
 218.660 Applicability
 218.666 Control Requirements
 218.667 Compliance Schedule
 218.668 Testing
 218.670 Recordkeeping and Reporting for Exempt Emission Units
 218.672 Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

Section
 218.680 Applicability
 218.686 Control Requirements
 218.688 Testing
 218.690 Recordkeeping and Reporting for Exempt Emission Units
 218.692 Recordkeeping and Reporting for Subject Emission Units
 218.875 Applicability of Subpart BB (Renumbered)
 218.877 Emissions Limitation at Polystyrene Plants (Renumbered)
 218.879 Compliance Date (Repealed)
 218.881 Compliance Plan (Repealed)
 218.883 Special Requirements for Compliance Plan (Repealed)
 218.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
 218.920 Applicability
 218.923 Permit Conditions (Repealed)
 218.926 Control Requirements
 218.927 Compliance Schedule

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

218.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section

218.940 Applicability
218.943 Permit Conditions (Repealed)
218.946 Control Requirements
218.947 Compliance Schedule
218.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

218.960 Applicability
218.963 Permit Conditions (Repealed)
218.966 Control Requirements
218.967 Compliance Schedule
218.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section

218.980 Applicability
218.983 Permit Conditions (Repealed)
218.986 Control Requirements
218.987 Compliance Schedule
218.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section

218.990 Exempt Emission Units
218.991 Subject Emission Units

Section 218.Appendix A: List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing

Section 218.Appendix B: VOM Measurement Techniques for Capture Efficiency

Section 218.Appendix C: Reference Methods and Procedures

Section 218.Appendix D: Coefficients for the Total Resource Effectiveness Index (TRE) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-23 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. at 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

- 1) ASTM D2879-86
- 2) ASTM D323-82
- 3) ASTM D86-82
- 4) ASTM D369-69 (1971)
- 5) ASTM D396-69
- 6) ASTM D2880-71
- 7) ASTM D975-68
- 8) ASTM D3925-81 (1985)
- 9) ASTM E300-86
- 10) ASTM D1475-85
- 11) ASTM D2369-87
- 12) ASTM D3792-86
- 13) ASTM D4017-81 (1987)
- 14) ASTM D4457-85
- 15) ASTM D2697-86
- 16) ASTM D3980-87
- 17) ASTM E180-85
- 18) ASTM D2372-85
- 19) ASTM D97-66
- 20) ASTM E168-67 (1977)
- 21) ASTM E169-87
- 22) ASTM E260-91
- 23) ASTM D2504-83
- 24) ASTM D2382-83
- 25) ASTM D323-82 (approved 1982)

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.
- d) 40 CFR Part 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).
- e) 40 CFR Part 61 (July 1, 1991).
- f) 40 CFR Part 50 (July 1, 1991).
- g) 40 CFR Part 51 (July 1, 1991).
- h) 40 CFR Part 52 (July 1, 1991).
- i) 40 CFR Part 80 (July 1, 1991) and 40 CFR 80 Appendixes D, E, and F (July 1, 1992).
- j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
- p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOC Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. March 1991 November 1993) (CARB Manual).
- y) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions.
- z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.583 Gasoline Dispensing Facilities Operations -
Storage Tank Filling Operations

a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing operation unless:

- 1) The tank is equipped with a submerged loading pipe; and
- 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d)(4) below; or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and
 - C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 218.584(b) or (d) of this Part.

3) By March 15, 1995, all tank vent pipes shall be equipped with pressure/vacuum relief valves with the following design specifications:

- A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or
- B) The pressure/vacuum relief valve shall meet the requirements of Section 218.586(c) of this Part.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

4) For the purposes of demonstrating compliance with subsection (a)(3) above, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, the owner or operator of a gasoline dispensing operation shall measure and record the pressure indicated by a pressure/vacuum gauge at each tank vent pipe. The test shall be performed on each tank vent pipe within two hours of product delivery into the respective storage tank. For manifolded tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.

b) The requirements of subsections (a)(2) and (a)(3) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing operation if:

- 1) The tank is equipped with a floating roof, or other system of equal or better emission control approved by the Agency and approved by the USEPA as a SIP revision;
- 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or
- 3) The tank has a capacity of less than 575 gallons.

c) Subject to subsection (b) above, each owner of a gasoline dispensing operation shall:

- 1) Install all control systems and make all process modifications required by subsection (a) above;
 - 2) Provide instructions to the operator of the gasoline dispensing operation describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
 - 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b) above, each operator of a gasoline dispensing operation shall:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
 - 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
 - 3) Maintain gauges, meters or other specified testing devices in proper working order;
 - 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
 - A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B incorporated by reference in Section 218.112 of this Part, and
 - B) Avoidable leaks of liquid during the filling of storage tanks; and
 - 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.
- e) Any retail gasoline dispensing operation subject to subsection (a) above, unless subject to Section 218.586 of this Part, shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:

- 1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides at a minimum the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this section, the number of underground tanks, the number of tank pipe tank vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.

- 2) The registration is submitted to the Agency by March 15, 1995 or 30 days after installation of a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

vapor control system or pressure/vacuum relief valve, whichever is later.

- 3) The registration certification is displayed at the gasoline dispensing operation.

- 4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3) Section Numbers: Proposed Action:

219.112 Amend
219.583 Amend
219.585 Amend

4) Statutory Authority:

Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5]

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendments require the installation of pressure/vacuum relief valves on gasoline storage tanks and the lowering of the Reid Vapor Pressure (RVP) of gasoline in the Metro-East St. Louis nonattainment area for ozone, as specified in the proposed amendments, below. These control measures are part of the State of Illinois' required submittal for its "15% rate of progress plan" (ROP) which the State submitted to USEPA in November of 1993 and is required to adopt all the measures listed. The Clean Air Act as amended in 1990 requires all moderate and severe ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material by 1996. In Illinois, the Chicago and Metro-East St. Louis areas are classified as severe and moderate nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement.

6) Will this proposed rule replace an emergency rule currently in effect? Yes ☐ No ☒

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Do these proposed amendments contain incorporations by reference? Yes ☐ No ☐

9) Are there any other proposed amendments pending on this Part? No ☐

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Policy Objectives:

These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805/3(b)).

11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-12 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

and

Rachel Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276

Also, public hearings are scheduled for June 17, 1994 at 10:00 a.m., James R. Thompson Center, 100 West Randolph St. Suite 11-500, Chicago IL, and if they are necessary, on July 14 and 27, 1994, same time and location. Contact Michelle Dresdow, hearing officer at (815)753-0947 if interested in the hearings.

Questions concerning these amendments may be directed to Rachel Doctors, Illinois Environmental Protection Agency at (217)524-3337 or Michelle Dresdow, Pollution Control Board at (815)753-0947.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 5, 1994

B) Types of small businesses affected: gasoline dispensing operations

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Reporting, bookkeeping or other procedures required for compliance:

For the pressure/vacuum relief valve requirement - Owners and operators will be required to test the valve annually. Recordkeeping is required in proposed subsection 219.583(a)(4). Registration with the Illinois Environmental Protection Agency is required as specified in proposed subsection 219.583(e). Registration requirements, where they apply, are consistent with and in lieu of permitting requirements.

For the RVP requirement - Owners and operators will be required to retain copies of the documentation of the RVP for each shipment of gasoline during the regulatory control period, pursuant to proposed subsection 219.585(h)(2).

- D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSIONS STANDARDS
AND LIMITATIONS FOR STATIONARY SOURCES

PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section
219.100
219.101
219.102
219.103
219.104
219.105
219.106
219.107
219.108
219.109
219.110
219.111
219.112
219.113

Introduction
Savings Clause
Abbreviations and Conversion Factors
Applicability
Definitions
Test Methods and Procedures
Compliance Dates
Operation of Afterburners
Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
Vapor Pressure of Volatile Organic Liquids
Vapor Pressure of Organic Material or Solvent
Vapor Pressure of Volatile Organic Material
Incorporations by Reference
Monitoring for Negligibly-Reactive Compounds

SUBPART B: ORGANIC EMISSIONS FROM STORAGE
AND LOADING OPERATIONS

Section
219.121
219.122
219.123
219.124
219.125
219.126

Storage Containers
Loading Operations
Petroleum Liquid Storage Tanks
External Floating Roofs
Compliance Dates (Repealed)
Compliance Plan (Repealed)

SUBPART C: ORGANIC EMISSIONS FROM
MISCELLANEOUS EQUIPMENT

Section
219.141
219.142
219.143
219.144

Separation Operations
Pumps and Compressors
Vapor Blowdown
Safety Relief Valves

SUBPART E: SOLVENT CLEANING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

219.181 Solvent Cleaning in General
 219.182 Cold Cleaning
 219.183 Open Top Vapor Degreasing
 219.184 Conveyorized Degreasing
 219.185 Compliance Schedule (Repealed)
 219.186 Test Methods

SUBPART F: COATING OPERATIONS

Section

219.204 Emission Limitations
 219.205 Daily-Weighted Average Limitations
 219.206 Solids Basis Calculation
 219.207 Alternative Emission Limitations
 219.208 Exemptions From Emission Limitations
 219.209 Exemption From General Rule on Use of Organic Material
 219.210 Compliance Schedule
 219.211 Recordkeeping and Reporting

SUBPART G: USE OF ORGANIC MATERIAL

Section

219.301 Use of Organic Material
 219.302 Alternative Standard
 219.303 Fuel Combustion Emission Units
 219.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

219.401 Flexographic and Rotogravure Printing
 219.402 Applicability
 219.403 Compliance Schedule
 219.404 Recordkeeping and Reporting
 219.405 Heatset-Web-Offset Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC
ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section

219.421 General Requirements
 219.422 Inspection Program Plan for Leaks
 219.423 Inspection Program for Leaks
 219.424 Repairing Leaks
 219.425 Recordkeeping for Leaks
 219.426 Report for Leaks
 219.427 Alternative Program for Leaks
 219.428 Open-Ended Valves

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

219.429 Standards for Control Devices
 219.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED
INDUSTRIES; ASPHALT MATERIALS

Section

219.441 Petroleum Refinery Waste Gas Disposal
 219.442 Vacuum Producing Systems
 219.443 Wastewater (Oil/Water) Separator
 219.444 Process Unit Turnarounds
 219.445 Leaks: General Requirements
 219.446 Monitoring Program Plan for Leaks
 219.447 Monitoring Program for Leaks
 219.448 Recordkeeping for Leaks
 219.449 Reporting for Leaks
 219.450 Alternative Program for Leaks
 219.451 Sealing Device Requirements
 219.452 Compliance Schedule for Leaks
 219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS
PLASTIC PRODUCTS

Section

219.461 Manufacture of Pneumatic Rubber Tires
 219.462 Green Tire Spraying Operations
 219.463 Alternative Emission Reduction Systems
 219.464 Emission Testing
 219.465 Compliance Dates (Repealed)
 219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section

219.480 Applicability
 219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
 219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
 219.483 Material Storage and Transfer
 219.484 In-Process Tanks
 219.485 Leaks
 219.486 Other Emission Units
 219.487 Testing
 219.488 Monitoring for Air Pollution Control Equipment
 219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section
219.521
219.525
219.526
219.527

Definitions (Repealed)
Emission Limitations for Air Oxidation Processes
Testing and Monitoring
Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
219.541

Pesticide Exception

SUBPART X: CONSTRUCTION

Section
219.561
219.562
219.563

Architectural Coatings
Paving Operations
Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581
219.582
219.583

Bulk Gasoline Plants
Bulk Gasoline Terminals
Gasoline Dispensing Operations - Storage Tank Filling Operations

Gasoline Delivery Vessels

Gasoline Volatility Standards

Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601
219.602
219.603
219.604

Perchloroethylene Dry Cleaners
Exemptions
Leaks

Compliance Dates (Repealed)

Compliance Plan (Repealed)

Exception to Compliance Plan (Repealed)

Standards for Petroleum Solvent Dry Cleaners

Operating Practices for Petroleum Solvent Dry Cleaners

Program for Inspection and Repair of Leaks

Testing and Monitoring

Exception for Petroleum Solvent Dry Cleaners

Compliance Dates (Repealed)

Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

219.620
219.621
219.623
219.624
219.625
219.626
219.628
219.630
219.636
219.637

Applicability
Exemption for Waterbase Material and Heatset-Offset Ink
Permit Conditions
Open-Top Mills, Tanks, Vats or Vessels
Grinding Mills
Storage Tanks
Leaks
Clean Up
Compliance Schedule
Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
219.640
219.642
219.644
219.875
219.877
219.879
219.881
219.883
219.886

Applicability
Emissions Limitation at Polystyrene Plants
Emissions Testing
Applicability of Subpart BB (Renumbered)
Emissions Limitation at Polystyrene Plants (Renumbered)
Compliance Date (Repealed)
Compliance Plan (Repealed)
Special Requirements for Compliance Plan (Repealed)
Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED
PRODUCT MANUFACTURING PROCESSES

Section
219.920
219.923
219.926
219.927
219.928

Applicability
Permit Conditions
Control Requirements
Compliance Schedule
Testing

SUBPART QQ: MISCELLANEOUS FORMULATION
MANUFACTURING PROCESSES

Section
219.940
219.943
219.946
219.947
219.948

Applicability
Permit Conditions
Control Requirements
Compliance Schedule
Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL
MANUFACTURING PROCESSES

Section
219.960
219.963

Applicability
Permit Conditions

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

Section 219.Appendix A: List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing

Section 219.Appendix B: VOM Measurement Techniques for Capture Efficiency

Section 219.Appendix C: Reference Test Methods For Air Oxidation Processes

Section 219.Appendix D: Coefficients for the Total Resource Effectiveness Index (TRF) Equation

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 $\frac{1}{2}$, par. 1010) (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/10 and 28.5].

SOURCE: Adopted at R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days, amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

- 1) ASTM D2879-86
- 2) ASTM D323-82
- 3) ASTM D86-82
- 4) ASTM D369-69 (1971)
- 5) ASTM D396-69
- 6) ASTM D2880-71
- 7) ASTM D975-68
- 8) ASTM D3925-81 (1985)
- 9) ASTM E300-86
- 10) ASTM D1475-85
- 11) ASTM D2369-87
- 12) ASTM D3792-86
- 13) ASTM D4017-81 (1987)
- 14) ASTM D4457-85
- 15) ASTM D2697-86
- 16) ASTM D3980-87
- 17) ASTM E180-85
- 18) ASTM D2372-85
- 19) ASTM D97-66
- 20) ASTM E168-87 (1977)
- 21) ASTM E169-87
- 22) ASTM E260-91
- 23) ASTM D2504-83
- 24) ASTM D2382-83
- 25) ASTM D323-82 (approved 1982)

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.

d) 40 CFR Part 60 (July 1, 1991).

e) 40 CFR Part 61 (July 1, 1991).

f) 40 CFR Part 50 (July 1, 1991).

g) 40 CFR Part 51 (July 1, 1991).

h) 40 CFR Part 52 (July 1, 1991).

i) 40 CFR Part 80 (July 1, 1991) and 40 CFR 80 Appendixes D, E, and F (July 1, 1992).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- j) "A Guide for Surface Coating Calculation", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.
- l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
- m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
- n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
- o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
- p) "Control of Volatile Organic Compound emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
- q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
- r) "Portable Instrument User's Manual for Monitoring VOM Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
- s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
- t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C.,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- EPA-340/1-80-008.
- u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
- v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
- w) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
- x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. ~~March 1991~~ November 1993) (CARB Manual).

(Source: Amended at _____ Ill. Reg. _____, effective _____)

SUBPART Y: GASOLINE DISTRIBUTION

Section 219.583 Gasoline Dispensing Facilities - Storage Tank Filling Operations

- a) Subject to subsection (b) below, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless:
- 1) The tank is equipped with a submerged loading pipe; and
 - 2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:
 - A) A vapor collection system that meets the requirements of subsection (d) (4) below; or
 - B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

vaporized organic material from the equipment being controlled; and

- C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d) of this Part.
- 3) By March 15, 1995, all tank vent pipes shall be equipped with pressure/vacuum relief valves with the following design specifications:
- A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or
- B) The pressure/vacuum relief valve shall meet the requirements of 35 Ill. Adm. Code 218.586(c).

- 4) For the purposes of demonstrating compliance with subsection (a)(3) above, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, the owner or operator of a gasoline dispensing operation shall measure and record the pressure indicated by a pressure/vacuum gauge at each tank vent pipe. The test shall be performed on each tank vent pipe within two hours of product delivery into the respective storage tank. For manifolded tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.

- b) The requirements of subsections (a)(2) and (a)(3) above shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility if:

- 1) The tank is equipped with a floating roof, or other system of equal or better emission control as approved by the Agency and approved by the USEPA as a SIP revision;
- 2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The tank has a capacity of less than 575 gallons. Subject to subsection (b) above, each owner of a gasoline dispensing facility shall:

- 1) Install all control systems and make all process modifications required by subsection (a) above;
- 2) Provide instructions to the operator of the gasoline dispensing facility describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and
- 3) Repair, replace or modify any worn out or malfunctioning component or element of design.
- d) Subject to subsection (b) above, each operator of a gasoline dispensing facility shall:
- 1) Maintain and operate each vapor control system in accordance with the owner's instructions;
- 2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;
- 3) Maintain gauges, meters or other specified testing devices in proper working order;
- 4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:
- A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B incorporated by reference at Section 219.112 of this Part, and
- B) Avoidable leaks of liquid during the filling of storage tanks; and
- 5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A) above.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- e) Any retail gasoline dispensing operation subject to subsection (a) above shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:

1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides at a minimum the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this Section, the number of underground tanks and the number of tank pipe vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.

2) The registration is submitted to the Agency by March 15, 1995 or 30 days after installation of a vapor control system or pressure/vacuum relief valve, whichever is later.

3) The registration certificate is displayed at the gasoline dispensing operation.

4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days of completion of such modification.

Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 219.585 Gasoline Volatility Standards

- a) No person shall sell, offer for sale, dispense, supply, offer for supply, or transport for use in Illinois gasoline whose Reid vapor pressure exceeds the applicable limitations set forth in subsections (b) and (c) of this section below during the regulatory control periods, which shall be May June 1 to September 15 for retail outlets, and wholesale purchaser-consumer facilities, and from May 1 to September 15 for all other facilities.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) The Reid vapor pressure of gasoline, a measure of its volatility, shall not exceed 9-07.2 psi (62-0749.68 kPa) during the regulatory control period in 19905 and each year thereafter.

c) The Reid vapor pressure of ethanol blend gasolines having at least nine percent (9%) but not more than ten percent (10%) ethyl alcohol by volume of the blended mixture, shall not exceed the limitations for gasoline set forth in subsection (b) of this Section by more than 1.0 psi (6.9 kPa). Notwithstanding this limitation, blenders of ethanol blend gasolines whose Reid vapor pressure is less than 1.0 psi above the base stock gasoline immediately after blending with ethanol are prohibited from adding butane or any product that will increase the Reid vapor pressure of the blended gasoline.

d) All sampling of gasoline required pursuant to the provisions of this Section shall be conducted by one of the following approved methods ~~or~~ in accordance with the procedures contained in 40 CFR 80, Appendix D, Sampling Procedures for Fuel Volatility, which are incorporated by reference in Section 219.112 of this Part.

1) ~~For manual sampling, ASTM-D40577~~

2) ~~For automatic sampling, ASTM-D41777~~

3) ~~Sampling procedures for Fuel Volatility, 40-CFR-80 Appendix-D.~~

e) The Reid vapor pressure of gasoline shall be measured in accordance with the procedures contained in "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" either test method ASTM D323 or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E, in effect July 1, 1992, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part. For gasoline - oxygenate blends which contain water-extractable oxygenates, the Reid vapor pressure shall be measured using the dry method test.

f) The ethanol content of ethanol blend gasolines shall be determined by use of one of the approved testing methodologies specified in 40 CFR 80, Appendix F, incorporated by reference in 35 Ill. Adm. Code 219.112 of this Part.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- g) Any alternate to the sampling or testing methods or procedures contained in subsections (d), (e), and (f) of this Section must be approved by the Agency, which shall consider data comparing the performance of the proposed alternative to the performance of one or more approved test methods or procedures. Such data shall accompany any request for Agency approval of any alternate test procedure. If the Agency determines that such data demonstrates that the proposed alternative will achieve results equivalent to the approved test methods or will achieve results equivalent to the approved test methods or procedures, the Agency shall approve the proposed alternative.

h) Recordkeeping and reporting:

- 1) Each refiner or supplier that distributes gasoline or ethanol blends shall:

±A) During the regulatory control period, state that the Reid vapor pressure of all gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois complies with the Reid vapor pressure limitations set forth in 35 Ill. Adm. Code 219.585(b) and (c) of this Part. Any source receiving this gasoline shall be provided with a copy of an invoice, bill of lading, or other documentation used in normal business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard.

2B) Maintain records for a period of ~~one~~ three years on the Reid vapor pressure, quantity shipped and date of delivery of any gasoline or ethanol blends leaving the refinery or distribution facility for use in Illinois. The Agency shall be provided with copies of such records if requested.

2) Records and reports required by subsections (h)(2)(A) and (h)(2)(B) below shall be made available to the Agency upon request. During the regulatory period, the owner or operator of a gasoline dispensing operation subject to this Section shall:

- A) Retain a copy of an invoice, bill of lading, or other documentation used in normal

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

business practice stating that the Reid vapor pressure of the gasoline complies with the State Reid vapor pressure standard as provided in subsection (h)(1)(A) above;

- B) Maintain records for a period of three years on the Reid vapor pressure, quantity received and date of delivery of any gasoline or ethanol blends arriving at the gasoline operation.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers:
201.302
Proposed Action:
Amend
- 4) Statutory Authority:
Implementing Sections 10 and 39 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, and 1039) [415 ILCS 5/10, 27, and 39].

5) A Complete Description of the Subjects and Issues Involved:

The proposed rule would amend current reporting requirements. Currently, the regulations require that gasoline stations file an annual emissions report and that the Illinois Environmental Protection Agency (Agency) compile an annual report linking annual emissions to specific provisions in the rules. The Agency is able to obtain the emissions information from other sources. Eliminating this requirement would reduce a paperwork requirement for small businesses. Second, the Agency currently prepares annual reports stating the emissions from different pollutants. The deletion of this subsection would make the regulations consistent with Agency practice.

6) Will this proposed rule replace an emergency rule currently in effect? Yes ☐ No ☒7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Policy Objectives:

These proposed rules and amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandate Act (30 ILCS 805/3(b)).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking:

Send written comments concerning R94-12 within 45 days of publication in the Illinois Register to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
and

Rachel Doctors
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, Illinois 62794-9276

Also, public hearings are scheduled for June 17, 1994 at 10:00 a.m., James R. Thompson Center, 100 West Randolph St. Suite 11-500, Chicago IL, and if they are necessary, on July 14 and 27, 1994, same time and location. Contact Michelle Dresdow, hearing officer at (815)753-0947 if interested in the hearings.

Questions concerning these amendments may also be directed to Rachel Doctors, Illinois Environmental Protection Agency at (217)524-3337 or Michelle Dresdow, Pollution Control Board at (815)753-0947.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 5, 1994
- B) Types of small businesses affected: gasoline dispensing operations
- C) Reporting, bookkeeping or other procedures required for compliance: A reporting requirement would be deleted by this rulemaking, under circumstances as stated in the proposed rule, below.
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

Section

201.101 Other Definitions

201.102 Definitions

201.103 Abbreviations and Units

201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section

201.121 Existence of Permit No Defense

201.122 Proof of Emissions

201.123 Burden of Persuasion Regarding Exceptions

201.124 Annual Report

201.125 Severability

201.126 Repealer

SUBPART C: PROHIBITIONS

Section

201.141 Prohibition of Air Pollution

201.142 Construction Permit Required

201.143 Operating Permits for New Sources

201.144 Operating Permits for Existing Sources

201.146 Exemptions from Permit Requirement

201.147 Former Permits

201.148 Operation Without Compliance Program and Project

201.149 Completion Schedule

201.149 Operation During Malfunction, Breakdown or Startups

201.150 Circumvention

201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section

201.152 Contents of Application for Construction Permit

201.153 Incomplete Applications

201.154 Signatures

201.155 Standards for Issuance

201.156 Conditions

201.157 Contents of Application for Operating Permit

201.158 Incomplete Applications

201.159 Signatures

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Standards for Issuance

201.160 Conditions

201.161 Duration

201.162 Joint Construction and Operating Permits

201.163 Design Criteria

201.164 Hearings

201.165

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

Section

201.180 Applicability

201.181 Expiration and Renewal

201.187 Requirement for a Revised Permit

SUBPART F: RENEWAL, REVOCATION, REVISION AND APPEAL

Section

201.207 Revocation

201.209 Revisions to Permits

201.210 Appeals from Conditions

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

Section

201.241 Contents of Compliance Program

201.242 Contents of Project Completion Schedule

201.243 Standards for Approval

201.244 Revisions

201.245 Effects of Approval

201.246 Records and Reports

201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section

201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup

201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup

201.263 Records and Reports

201.264 Continued Operation or Startup Prior to Granting of Operating Permit

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
201.301 Records
201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401 Continuous Monitoring Requirements
201.402 Alternative Monitoring
201.403 Exempt Sources
201.404 Monitoring System Malfunction
201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

Appendix A Rule into Section Table
Appendix B Section into Rule Table
Appendix C Past Compliance Dates

AUTHORITY: Implementing Sections 10 and 39 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027, and 1039) [415 ILCS 5/10, 27, and 39].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21485, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. _____, effective _____.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: RECORDS AND REPORTS

Section 201.302 Reports

- a) The owner or operator of any emission source unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific sources, emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.
- b) The Agency may adopt procedures which require that additional reports be submitted, and which set forth the format in which all reports shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the APA.
- ~~e) All emissions data received by the Agency relative to specified air contaminants shall be correlated by the Agency with any emission limitations or standards set forth in Subchapter e of this Chapter.~~
- ~~ec)~~ All emission data received by the Agency, shall be available for public inspection at reasonable times and upon reasonable notice.
- ~~d)~~ Retail gasoline dispensing operations are exempt from the requirements of subsection (a) above unless the source has failed to comply with 35 Ill. Adm. Code 218.586(h) or to obtain a permit under 35 Ill. Adm. Code Part 201 if applicable.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: PRIMARY DRINKING WATER STANDARDS2) Code Citation: 35 Ill. Adm. Code 6113) Section Numbers: Proposed Action:

611.101, 611.102, 611.212
 Amendment
 611.356, 611.532, 611.602
 Amendment
 611.603, 611.607, 611.609
 Amendment
 611.612, 611.646, 611.648
 Amendment
 611.685, 611.851, 611.856
 Amendment
 611. Appendix A

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1017, 1017.5 and 1027 [415 ILCS 5/17, 17.5 and 27]).5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's opinion of May 5, 1994 in R94-4, which opinion is available from the address below. Sections 7.2 and 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2 and 1017.5 [415 ILCS 5/7.2 and 17.5]) provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's SDWA drinking water rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1 through December 31, 1993. During that time, U.S. EPA amended the regulations on August 3, 1993 to add two new analytical procedures for total trihalomethanes, a chemical contaminant. No other federal actions occurred during this time-frame. The only federal action during the period of this docket was as follows:

58 Fed. Reg. 41344

Aug. 3, 1993 (Total trihalomethanes analytical procedures)

The Board also uses this opportunity to make a substantive correction to the text of the rules. This correction, more fully discussed below, is to the Phase II rules adopted in docket R91-3. The Board makes this correction to aid the Agency in the U.S. EPA approval process for the Illinois SDWA program.

6) Will these proposed amendments replace emergency amendments currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.

8) Does these proposed amendments contain incorporations by reference? Yes. Section 611.102 constitutes the Board's central listing of incorporations by reference for all of Part 611. The present amendments primarily update incorporated documents in response to U.S. EPA's use of two new methods. They also update the references to the Code of Federal Regulations to the 1993 edition, which is now available.

9) Are there any other amendments pending on this Part? No..10) Statement of Statewide Policy Objectives:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 11 of that Act. This rulemaking imposes mandates on units of local government to the extent they supply drinking water to at least 25 of the same persons over 6 months per year.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-4 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board
 State of Illinois Center, Suite 11-500
 100 W. Randolph St.
 Chicago, IL 60601

Address all substantive questions to Michael J. McCambridge, Attorney, at 312-814-6924.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 9, 1994.

B) Types of small businesses affected:

This rulemaking will affect only those small businesses that supply drinking water to at least 25 of the same persons over 6 months per year.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing drinking water rules impose significant reporting, bookkeeping, and other procedures on small businesses that supply drinking water to at least 25 of the same persons over 6 months per year. The proposed amendments add to the existing requirements to the extent that they allow the use of two additional chemical analytical procedures in addition to the procedures already allowed.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require small businesses that supply drinking water to at least 25 of the same persons over 6 months per year to employ the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER 1: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.107	Delegation to Local Government
611.108	Enforcement
611.109	Special Exception Permits
611.110	Section 1415 Variances
611.111	Section 1416 Variances
611.112	Alternative Treatment Techniques
611.113	Siting requirements
611.114	Source Water Quantity
611.115	Effective dates
611.120	Maximum Contaminant Levels
611.121	Fluoridation Requirement
611.125	Prohibition on Use of Lead
611.126	Special Requirements for Certain Variances and Adjusted Standards
611.130	

SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.211	Groundwater under Direct Influence of Surface Water
611.212	No Method of HPC Analysis
611.213	General Requirements
611.220	Filtration Effective Dates
611.230	Source Water Quality Conditions
611.231	Site-specific Conditions
611.232	Treatment Technique Violations
611.233	Disinfection
611.240	Unfiltered PWSs
611.241	Filtered PWSs
611.242	Filtration
611.250	Unfiltered PWSs: Reporting and Recordkeeping
611.261	Filtered PWSs: Reporting and Recordkeeping
611.262	Protection during Repair Work
611.271	Disinfection following Repair
611.272	

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Point-of-Entry Devices
611.280	Use of Point-of-Use Devices or Bottled Water
611.290	

SUBPART D: TREATMENT TECHNIQUES

Section	General Requirements
611.295	Acrylamide and Epichlorohydrin
611.296	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Corrosion Control

611.297	
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SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section	Old MCLs for Inorganic Chemicals
611.300	Revised MCLs for Inorganic Chemicals
611.301	Old MCLs for Organic Chemicals
611.310	Revised MCLs for Organic Contaminants
611.311	Turbidity
611.320	Microbiological Contaminants
611.325	Radium and Gross Alpha Particle Activity
611.330	Beta Particle and Photon Radioactivity
611.331	

SUBPART G: LEAD AND COPPER

Section	General Requirements
611.350	Applicability of Corrosion Control
611.351	Corrosion Control Treatment
611.352	Source Water Treatment
611.353	Lead Service Line Replacement
611.354	Public Education and Supplemental Monitoring
611.355	Tap Water Monitoring for Lead and Copper
611.356	Monitoring for Water Quality Parameters
611.357	Monitoring for Lead and Copper in Source Water
611.358	Analytical Methods
611.359	Reporting
611.360	Recordkeeping
611.361	

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	Alternative Analytical Techniques
611.480	Certified Laboratories
611.490	Laboratory Testing Equipment
611.491	Consecutive PWSs
611.500	Special Monitoring for Unregulated Contaminants
611.510	

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section	Routine Coliform Monitoring
611.521	Repeat Coliform Monitoring
611.522	Invalidation of Total Coliform Samples
611.523	Sanitary Surveys
611.524	Fecal Coliform and E. Coli Testing
611.525	Analytical Methodology
611.526	Response to Violation
611.527	Analytical Requirements
611.531	Unfiltered PWSs
611.532	Filtered PWSs
611.533	

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section	Turbidity
611.560	

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section	Violation of State MCL
611.591	Frequency of State Monitoring
611.592	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.Appendix A Mandatory Health Effects Information
- 611.Appendix B Percent Inactivation of G. lamblia Cysts
- 611.Appendix C Common Names of Organic Chemicals
- 611.Appendix D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
- 611.Appendix E Mandatory Lead Public Education Information
- 611.Table A Total Coliform Monitoring Frequency
- 611.Table B Fecal or Total Coliform Density Measurements
- 611.Table C Frequency of RDC Measurement
- 611.Table D Number of Lead and Copper Monitoring Sites
- 611.Table E Lead and Copper Monitoring Start Dates
- 611.Table F Number of Water Quality Parameter Sampling Sites
- 611.Table G Summary of Monitoring Requirements for Water Quality Parameters
- 611.Table Z Federal Effective Dates

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1017, 1017.5 and 1027 [415 ILCS 5/17, 17.5 and 27]).

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 20, 1993; amended in R94-4 at 18 Ill. Reg. _____, effective _____.

Note: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1001 et seq. [415 ILCS 5/1-et-seq.])

"Agency" means the Illinois Environmental Protection Agency.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCHSSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"AI" means "inactivation ratio".

"Approved source of bottled water", for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 611.600 Applicability
- 611.601 Monitoring Frequency
- 611.602 Asbestos Monitoring Frequency
- 611.603 Inorganic Monitoring Frequency
- 611.604 Nitrate Monitoring
- 611.605 Nitrite Monitoring
- 611.606 Confirmation Samples
- 611.607 More Frequent Monitoring and Confirmation Sampling
- 611.608 Additional Optional Monitoring
- 611.609 Averaging Determining Compliance
- 611.610 Inorganic Monitoring Times
- 611.611 Inorganic Analysis
- 611.612 Monitoring Requirements for Old Inorganic MCLs
- 611.613 Special Monitoring for Sodium
- 611.631 Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

- Section
- 611.640 Definitions
- 611.641 Old MCLs
- 611.645 Analytical Methods for Old MCLs
- 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
- 611.647 Sampling for Phase I Volatile Organic Contaminants
- 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
- 611.650 Monitoring for 36 Contaminants (Repealed)
- 611.657 Analytical Methods for 36 Contaminants (Repealed)
- 611.658 Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

- Section
- 611.680 Sampling, Analytical and other Requirements
- 611.683 Reduced Monitoring Frequency
- 611.684 Averaging
- 611.685 Analytical Methods
- 611.686 Modification to System

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

- Section
- 611.720 Analytical Methods
- 611.731 Gross Alpha
- 611.732 Manmade Radioactivity

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

- Section
- 611.830 Applicability
- 611.831 Monthly Operating Report
- 611.832 Notice by Agency
- 611.833 Cross Connection Reporting
- 611.840 Reporting
- 611.851 Reporting MCL and other Violations
- 611.852 Reporting other Violations
- 611.853 Notice to New Billing Units
- 611.854 General Content of Public Notice
- 611.855 Mandatory Health Effects Language
- 611.856 Fluoride Notice
- 611.858 Fluoride Secondary Standard
- 611.860 Record Maintenance
- 611.870 List of 36 Contaminants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (19923). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/1-4-ee-seq., formerly Ill. Rev. Stat. 1991 ch. 564, par. 501 et seq.), the Bottled Water Act (815 ILCS 310/1-4-ee-seq., formerly Ill. Rev. Stat. 1991 ch. 1114, par. 121.101), the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 U.S.C. §§ 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that U.S. EPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT_{calc}" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT₉₀".)

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"CT₉₀" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT₉₀ for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611. Appendix B. (See "Inactivation Ratio".)

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (19923).

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: Derived from 40 CFR 141.2 (19923). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

receiving PWS, and upstream of any mixing with other water.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Groundwater under the direct influence of surface water" is as determined in Section 611.212.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"GWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (19923).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$A_i = CT_{99.9} / CT_{99}$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \sum A_i$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

141.2 (19923).

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo(a)pyrene, daldon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, hexachloro, diquat, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than 150 service connections, for which it means the three-year compliance period that begins on January 1, 1996.

BOARD NOTE: Derived from 40 CFR 141.2 (19923), as amended at 57 Fed. Reg. 31838 (July 17, 1992).

"L" means "liter".

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. See Section 611.121.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (THMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"MPL" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(1) (19923).

"mg" means milligrams (1/1000th of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19923).

"MUG" means 4-methyl-umbelliferyl-beta-D-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"nm" means nanometer (1/1,000,000,000th of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS).

BOARD NOTE: Derived from the definition of "public water system" in 40 CFR 141.2 (19923).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the U.S. EPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Person" means an individual, corporation, company, association, partnership, State, unit of local government or federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by U.S. EPA on July 1, 1991, at 56 Fed. Reg. 30266.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Phase V" refers to that group of chemical contaminants promulgated by U.S. EPA on July 17, 1992, at 57 Fed. Reg. 31776.

"Picocurie" or "pci" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Public Health" means the Illinois Department of Public Health.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTN-CWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and;

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (19923).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"SEP" means special exception permit (Section 611.110).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in U.S. EPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfide, atrazine, benzo[a]pyrene, carbofuran, chlordanes, dieldrin, dibromomethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endosulfan, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxydemeton-methyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, 2,3,7,8-TCDD, and 2,4,5-TP.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Source" means a well, reservoir, or other source of raw water.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19923).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.
BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (19923). See the definition of THMs for a listing of the four compounds that U.S. EPA considers TTHMs to comprise.

"Transient, non-community water system" or "transient non-CWS" or "TNCWS" means a public water system (PWS) that is neither a community water system ("CWS") nor a non-transient, noncommunity water system ("TNCWS").

BOARD NOTE: The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. See 42 U.S.C. §300f(4). The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. See Ill. Rev. Stat. 1991 ch. 1114, par. 1003.28 (415 ILCS 5/3.28). The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this section. "Treatment" includes, but is not limited to aeration, coagulation, sedimentation, filtration, activated carbon treatment,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are:

Trichloromethane (chloroform),

Dibromochloromethane,

Bromodichloromethane and

Tribromomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (19923).

"µg" means micrograms (1/1,000,000th of a gram).

"U.S. EPA" means the U.S. Environmental Protection Agency.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs", or "volatile organic chemicals" or "volatile organic contaminants", in U.S. EPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.
BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.

BOARD NOTE: Derived from 40 CFR 141.2 (19923).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by U.S. EPA under Section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (19923). The wellhead protection program will include the "groundwater protection needs assessment" under Section 17.1 of the Act, and regulations to be adopted in 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

a) Abbreviations. The following abbreviated names are used in this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Part to refer to materials incorporated by reference:

"AEP-1 Polymer" is available from Advanced Polymer Systems.

"ASTM" means American Society for Testing and Materials

"Atomic Absorption-Platform Furnace Method" or "AA-Platform Furnace Method" means "Determination of Trace Elements by Stabilized Temperature Graphite Furnace Atomic Absorption Spectrometry -- Method 200.9"

"Indigo method" is as described in "Standard Methods", 17th Edition, Method 4500-O, B.

"Inductively Coupled Plasma-Mass Spectrometry Method" or "ICP-MS Method" means "Determination of Trace Elements in Water and Wastes by Inductively-Coupled Plasma-Mass Spectrometry -- Method 200.8"

"Inductively Coupled Plasma Method 200.7" or "ICP Method 200.7" means "Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with appendix". See 40 CFR 136, Appendix C.

"Inductively Coupled Plasma Method 200.7, Rev. 3.2" or "ICP Method 200.7, Rev. 3.2" means "Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry -- Method 200.7, Revision 3.2" See 40 CFR 136, Appendix C.

"Ion Chromatography Method 300.0" means "Determination of Inorganic Ions in Water by Ion Chromatography -- Method 300.0"

"Microbiological Methods" means "Microbiological Methods for Monitoring the Environment, Water and Wastes", available from NTIS.

"MMO-MUG Test" means "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl-beta-d-glucuronide test", available from Environmental, Inc.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Waterworks Association.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USEPA Asbestos Methods" or "U.S. EPA Asbestos Methods"

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

means "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Dioxin and Furan Method 1613" or "U.S. EPA Dioxin and Furan Method 1613" means "Tetra- through Octa- Chlorinated Dioxins and Furans by Isotope Dilution, available from USEPA-OST.

"USEPA Environmental Metals Methods" or "U.S. EPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA Inorganic Methods" or "U.S. EPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS and ORD Publications.

"USEPA Ion Chromatography Method 300.0" or "U.S. EPA Ion Chromatography Method 300.0" means "Method 300.0, Determination of Inorganic Anions in Water by Ion Chromatography", available from USEPA-EMSL.

"USEPA Organic Methods" or "U.S. EPA Organic Methods" means "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", September, 1986, available from NTIS and USEPA-EMS, for the purposes of Section 611.647 only and "Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, available from NTIS and ORD Publications, for the purposes of Sections 611.646 and 611.648 only and "Methods for the Determination of Organic Compounds in Drinking Water", available from NTIS, for the purposes of Section 611.685 only.

"USGS Methods" means "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", available from USGS.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See Environmental, Inc.

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215/299-5585:

ASTM Method D511-88A and B, "Standard Test Methods for Calcium and Magnesium in Water", approved 1988.

ASTM Method D515-88A, "Standard Test Methods for Phosphorus in Water", approved 1988.

ASTM Method D858-88, "Standard Test Methods for Manganese in Water", approved August 19, 1988.

ASTM Method D859-88, Standard Test Method for Silica in Water", approved 1988.

ASTM Method D1067-88B, "Standard Test Methods for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Acidity or Alkalinity in Water", approved 1988.
- ASTM Method D1125-82B, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", approved October 29, 1982.
- ASTM Method D1179-72A or B "Standard Test Methods for Fluoride in Water", approved July 28, 1972, reapproved 1978.
- ASTM Method D1293-84B "Standard Test Methods for pH of Water", approved October 26, 1984.
- ASTM Method D1428-64, "Standard Test Methods for Sodium and Potassium in Water and Water-Formed Deposits by Flame Photometry", approved August 31, 1964, reapproved 1977.
- ASTM Method D1688-90A or C, "Standard Test Methods for Copper in Water", approved 1990.
- ASTM Method D2036-89A or B, "Standard Test Methods for Cyanide in Water", approved 1989.
- ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," 1975, reapproved 1981, discontinued 1988.
- ASTM Method D2907-83, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", approved May 27, 1983.
- ASTM Method D2972-88A or B, "Standard Test Methods for Arsenic in Water", approved 1988.
- ASTM Method D3223-86, "Standard Test Method for Total Mercury in Water", approved February 28, 1986.
- ASTM Method D3559-85D, "Standard Test Methods for Lead in Water", approved 1985.
- ASTM Method D3645-84B, "Standard Test Methods for Beryllium in Water, Method B--Atomic Absorption, Graphite Furnace", approved Jan. 27, 1984.
- ASTM Method D3697-87, "Standard Test Method for Antimony in Water", approved 1987.
- ASTM Method D3859-84A, "Standard Test Methods for Selenium in Water, Method A--Atomic Absorption, Hydride Method", approved 1984.
- ASTM Method D3859-88, "Standard Test Methods for Selenium in Water", approved June 24, 1988.
- ASTM Method D3867-90, "Standard Test Methods for Nitrite-Nitrate in Water", approved January 10, 1990.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ASTM Method 4327-88, "Standard Test Method for Anions in Water by Ion Chromatography", approved 1988.
- American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303) 794-7711:
- Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971.
- Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).
- Method 303, Total Radioactive Strontium and Strontium 90 in Water.
- Method 304, Radium in Water by Precipitation.
- Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).
- Method 306, Tritium in Water.
- Standard Methods for the Examination of Water and Wastewater, 14th Edition, 1976.
- Method 214A, Turbidity, Nephelometric Method -- Nephelometric Turbidity Units (for the purposes of Section 611.560 turbidity only).
- Methods 320 and 320A, Sodium, Flame Photometric Method.
- Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985.
- Method 212, Temperature.
- Method 214A, Turbidity, Nephelometric Method -- Nephelometric Turbidity Units (for the purposes of Section 611.631 microbiological only).
- Method 303A, Determination of Antimony, etc. by Direct Aspiration into an Air-Acetylene Flame.
- Method 303E, Determination of Arsenic and Selenium by Conversion to Their Hydrides by Sodium Borohydride Reagent and Aspiration into an Atomic Absorption Atomizer.
- Method 304, Determination of Micro Quantities of Aluminum, etc. by Electrothermal Atomic Absorption Spectrometry.
- Method 307A, Arsenic, Atomic Absorption Spectrophotometric Method.
- Method 307B, Arsenic, Silver Diethyldithiocar-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

bamate Method.

Method 408C, Chlorine (Residual), Amperometric Titration Method.

Method 408D, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 408E, Chlorine (Residual), DPD Colorimetric Method.

Method 408F, Chlorine (Residual), Leuco Crystal Violet Method.

Method 410B, Chlorine Dioxide, Amperometric Method.

Method 410C, Chlorine Dioxide, DPD Method (Tentative).

Method 413A, Fluoride, Preliminary Distillation Step.

Method 413B, Fluoride, Electrode Method.

Method 413C, Fluoride, SPADNS Method.

Method 413E, Fluoride, Complexone Method.

Method 423, pH Value.

Method 907A, Pour Plate Method.

Method 908, Multiple Tube Fermentation Technique for Members of the Coliform Group.

Method 908A, Standard Coliform Multiple-Tube (NPN) Tests.

Method 908B, Application of Tests to Routine Examinations.

Method 908C, Fecal Coliform MPN Procedure.

Method 908D, Estimation of Bacterial Density.

Method 908E, Presence-Absence (P-A) Coliform Test (Tentative).

Method 909, Membrane Filter Technique for Members of the Coliform Group.

Method 909A, Standard Total Coliform Membrane Filter Procedure.

Method 909B, Delayed Incubation Total Coliform Procedure.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 909C, Fecal Coliform Membrane Filter Procedure.

Standard Methods for the Examination of Water and Wastewater, 17th Edition, 1989.

Method 2320, Alkalinity.

Method 2510, Conductivity.

Method 2550, Temperature.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113, Metals by Electrothermal Atomic Absorption Spectrometry.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120, Metals by Plasma Emission Spectroscopy.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110, Determination of Anions by Ion Chromatography.

Method 4500-CN D, Cyanide, Titrimetric Method.

Method 4500-CN E, Cyanide, Colorimetric Method.

Method 4500-CN F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-H⁺, pH Value.

Method 4500-NO₃ E, Nitrogen (Nitrate), Cadmium Reduction Method.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 4500-NO₃ F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O₃, Ozone (Residual), Indigo Colorimetric Method (Proposed).

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdsosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated method for Molybdate-Reactive Silica.

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415/ 366-2626:

APPA-1 Polymer. See 40 CFR 141.22(a). Also, as referenced in ASTM D1889.

Environmetrics, Inc., 21 Business Park Drive, Branford, CT 06405 800/321-0207:

MNO-MUG tests: Colilert P/A or Colilert MPN.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2).

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800/252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301) 657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 336-4700:

Analytical Method for Determination of Asbestos Fibers in Water. EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471.

"Methods of Chemical Analysis of Water and Wastes",

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

March, 1979. EPA-600/4-79-020, Doc. No. PB84-297686.

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677, for all methods referenced except methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for Chemical Analysis of Water and Wastes", March, 1979, Doc. No. PB84-128677, only for methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for the Determination of Metals in Environmental Samples", 1991, Doc. No. PB91-231498.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", EPA/600/4-88/039, September, 1986, Doc. No. PB89-220461. (For the purposes of Section 611.647 only.)

"Methods for the Determination of Organic Compounds in Drinking Water", EPA/600/4-88/039, December, 1988, Doc. Nos. PB91-231480 and PB91-146027. (For the purposes of Section 611.646 and 611.648 only; including Method 515.1, revision 5.0 and Method 525.1, revision 3.0 (May, 1991).)

"Methods for the Determination of Organic Compounds in Finished Drinking Water", EPA/600/4-88/039, revised July, 1991. (For the purposes of Section 611.685 only; including methods 502.2 and 524.2.)

"Microbiological Methods for Monitoring the Environment: Water and Wastes", R. Bodner and J. Winter, 1978. EPA-600/8-78-017, Doc. No. PB290-329/LF.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

ORD Publications, CERL, EPA, Cincinnati, OH 45268:

"Methods for Chemical Analysis of Water and Wastes", March, 1983, (EPA-600/4-79-020), for all methods referenced except methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for Chemical Analysis of Water and Wastes", March, 1979, (EPA-600/4-79-020), only for methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for the Determination of Organic Compounds in Drinking Water", EPA/600/4-88/039, December, 1988, Doc. Nos. PB91-231480 and PB91-146027. (For the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

purposes of Section 611.646 only.) See NTIS.

Orion Research, Inc., 529 Main St., Boston, MA 02129
800/225-1480:

Orion Guide to Water and Wastewater Analysis, Form
WeWNG/5880, p. 5.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method
#129-71W, December, 1972 See 40 CFR 141.23(f)(10),
footnotes 6 and 7.

"Fluoride in Water and Wastewater", #380-75WF,
February, 1976. See 40 CFR 141.23(f)(10), footnotes 6
and 7.

United States Environmental Protection Agency, EMSL, EPA,
Cincinnati, OH 45268:

"The Analysis of Trihalomethanes in Drinking Waters by
the Purge and Trap Method", Method 501.1. See 40 CFR
141, Subpart C, Appendix C.

"The Analysis of Trihalomethanes in Drinking Water by
Liquid/Liquid Extraction," Method 501.2. See 40 CFR
141, Subpart C, Appendix C.

"Inductively Coupled Plasma-Atomic Emission
Spectrometric Method for Trace Element Analysis in
Water and Wastes --- Method 200.7, with Appendix to
Method 200.7" entitled, "Inductively Coupled Plasma-
Atomic Emission Analysis of Drinking Water" (Appendix
200.7A), March 1987 (EPA/600/4-91/010). See 40 CFR
136, Appendix C.

"Interim Radiochemical Methodology for Drinking
Water", EPA-600/4-75-008 (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in
Finished Drinking Water and Raw Source Water",
September, 1986. (For the purposes of Section 611.647
only). See NTIS.

"Methods ef-for Chemical Analysis of Water and
Wastes". See NTIS and ORD Publications.

Microbiological Methods for Monitoring the
Environment, Water and Wastes". See NTIS

"Procedures for Radiochemical Analysis of Nuclear
Reactor Aqueous Solutions". See NTIS.

U.S. EPA-OST (United States Environmental Protection Agency,
Office of Science and Technology), P.O. Box 1407, Arlington,
VA 22213:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Tetra- through Octa- Chlorinated Dioxins and Furans
by Isotope Dilution".

United States Environmental Protection Agency, Science and
Technology Branch, Criteria and Standards Division, Office
of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration
and Disinfection Requirements for Public Water Systems
using Surface Water Sources", October, 1989.

USGS. United States Geological Survey, 1961 Stout St.,
Denver, CO 80294 303/844-4169:

Techniques of Water-Resources Investigation of the
United States Geological Survey:

Book 5, Chapter A-1, "Methods for Determination
of Inorganic Substances in Water and Fluvial
Sediments", 3d ed., Open-File Report 85-495,
1989.

c) The Board incorporates the following federal regulations by
reference:

40 CFR 136, Appendix B and C (19923).

40 CFR 141, Subpart C, Appendix C (19923).

d) This Part incorporates no later amendments or editions.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: FILTRATION AND DISINFECTION

Section 611.212 Groundwater under Direct Influence of Surface Water

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate
whether they are using "groundwater under the direct influence of surface
water" by June 29, 1994. The Agency shall determine with information provided
by the supplier whether a PWS uses "groundwater under the direct influence of
surface water" on an individual basis. The Agency shall determine that a
groundwater source is under the direct influence of surface water based upon:

a) Physical characteristics of the source: whether the source is
obviously a surface water source, such as a lake or stream. Other
sources which may be subject to influence from surface waters
include: springs, infiltration galleries, wells or other
collectors in subsurface aquifers.

b) Well construction characteristics and geology with field
evaluation.

1) The Agency may use the wellhead protection program's
requirements, which include delineation of wellhead
protection areas, assessment of sources of contamination and
implementation of management control systems, to determine

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- if the wellhead is under the influence of surface water.
- 2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.
 - 3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:
 - A) A surface sanitary seal using bentonite clay, concrete similar material.
 - B) A well casing that penetrates consolidated (slowly permeable) material.
 - C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.
 - 4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.
- c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.
- d) Source water quality records. The following are indicative that a source is under the influence of surface water:
- 1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years.
 - 2) A history of turbidity problems associated with the source.
 - 3) A history of known or suspected outbreaks of Giardia lamblia or other pathogenic organism associated with surface water (e.g. cryptosporidium), which has been attributed to that source.
- e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.
- 1) A variation in turbidity of 0.5 NTU or more over one year is indicative of surface influence.
 - 2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.
- f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.
- 1) Evidence of particulate matter associated with the surface water.
 - 2) Turbidity or temperature data which correlates to that of a nearby water source.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.
 - 1) "Large diameter" particulates are those over 7 micrometers.
 - 2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.
- h) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source "under the direct influence of surface water".
- BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2, adopted at 54 Fed. Reg. 27526, June 29, 1989 (1993); from the Preamble at 54 Fed. Reg. 27489, June 29, 1989; and from the USEPA "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.356 Tap Water Monitoring for Lead and Copper

- a) Sample site location.
 - 1) Selecting a pool of targeted sampling sites.
 - A) By the applicable date for commencement of monitoring under subsection (d)(1) below, each supplier shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this Section.
 - B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c) below.
 - C) The supplier shall select the sites for collection of first draw samples from this pool of targeted sampling sites.
 - D) The supplier shall not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.
 - 2) Materials evaluation.
 - A) A supplier shall use the information on lead, copper,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.

- B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a) above, the supplier shall review the following sources of information in order to identify a sufficient number of sampling sites:

- i) all plumbing codes, permits, and records in the files of the building department(s) that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
- ii) all inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
- iii) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
- iv) the supplier shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).

- 3) Tiers of sampling sites. Suppliers shall categorize the sampling sites within their pool according to the following tiers:

- A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" shall include the following single-family structures:
- i) those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
 - ii) those that are served by a lead service line.
- BOARD NOTE: This allows the pool of CWS tier 1 sampling sites to consist exclusively of structures served by lead service lines.
- B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" shall include the following buildings, including multiple-family structures:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
- ii) those that are served by a lead service line.

BOARD NOTE: This allows the pool of CWS tier 2 sampling sites to consist exclusively of structures served by lead service lines.

- C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" shall include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.

- D) NTCWS Tier 1 sampling sites. "NTCWS Tier 1 sampling sites" shall include the following buildings:

- i) those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
- ii) those that are served by a lead service line.

BOARD NOTE: This allows the pool of NTCWS tier 1 sampling sites to consist exclusively of buildings served by lead service lines.

- E) Alternative NTCWS sampling sites. "Alternative NTCWS sampling sites" shall include the following buildings: those that contain copper pipes with lead solder installed before 1983.

- 4) Selection of sampling sites. Suppliers shall select sampling sites for their sampling pool as follows:

- A) CWS Suppliers. CWS suppliers shall use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:
- i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or
 - ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or
 - iii) If fewer than 20 percent of the structures served by the supplier are multiple-family residences, and the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- iv) If the supplier has an insufficient number of CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites, the supplier shall use those CWS tier 1 sampling sites, CWS tier 2 sampling sites, and CWS tier 3 sampling sites that it has, and the supplier shall randomly select an additional pool of representative sites on its distribution system for the balance of its sampling sites.

B) NTNCS suppliers.

- i) An NTNCS supplier shall select NTNCS tier 1 sampling sites for its sampling pool, except if the NTNCS supplier has an insufficient number of NTNCS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCS sampling sites.
- ii) If the NTNCS supplier has an insufficient number of NTNCS tier 1 sampling sites and NTNCS alternative sampling sites, the supplier shall use those NTNCS tier 1 sampling sites and NTNCS alternative sampling sites that it has, and the supplier shall randomly select an additional pool of representative sites on its distribution system for the balance of its sampling sites.

C) Agency submission by suppliers with an insufficient number of CWS or NTNCS tier 1 sampling sites.

- i) Any CWS or NTNCS supplier whose sampling pool does not include a sufficient number of sites to consist exclusively of CWS tier 1 sampling sites or NTNCS tier 1 sampling sites, as appropriate, shall submit a letter to the Agency under Section 611.360(a)(2) that demonstrates why a review of the information listed in subsection (a)(2) above was inadequate to locate a sufficient number of CWS tier 1 sampling sites or NTNCS tier 1 sampling sites.
- ii) Any CWS supplier that wants to include CWS tier 3 sampling sites in its sampling pool shall demonstrate in a letter to the Agency why it was unable to locate a sufficient number of CWS tier 1 sampling sites and CWS tier 2 sampling sites.
- iii) If the Agency determines, based on the information submitted pursuant to subsection (a)(4)(C)(i) or (a)(4)(C)(ii) above, that either the information was inadequate to locate a sufficient number of CWS tier 1 sampling sites or NTNCS tier 1 sampling sites, or that the supplier was unable to locate a sufficient number of CWS tier 1 sampling sites and CWS tier 2 sampling sites, the Agency shall issue a SEP

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to the supplier pursuant to Section 611.110 that allows it to use CWS tier 2 sampling sites, NTNCS tier 2 sampling sites, or CWS tier 3 sampling sites, as appropriate.

- D) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines shall draw samples during each six-month monitoring period from sampling sites as follows:

- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and
- ii) 50 percent of those samples from sites served by a lead service line.
- iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line shall demonstrate in a letter to the Agency under Section 611.360(a)(4) that it was unable to locate a sufficient number of such sites.
- iv) If the Agency determines, based on the information submitted pursuant to subsection (a)(4)(D)(iii) above, that a supplier that cannot identify a sufficient number of sampling sites served by a lead service line, the Agency shall issue a SEP to the supplier pursuant to Section 611.110 that allows it to collect first draw samples from all of the sites on its distribution system identified as being served by such lines.

BOARD NOTE: This allows the pool of sampling sites to consist exclusively of structures or buildings served by lead service lines.

b) Sample collection methods.

- 1) All tap samples for lead and copper collected in accordance with this Subpart, with the exception of lead service line samples collected under Section 611.354(c), shall be first-draw samples.
- 2) First-draw tap samples.
- A) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.
- B) First-draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap.
- C) First-draw samples from a non-residential building

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

shall be collected at an interior tap from which water is typically drawn for consumption.

- D) First-draw samples may be collected by the supplier or the supplier may allow residents to collect first-draw samples after instructing the residents of the sampling procedures specified in this subsection.

- i) To avoid problems of residents handling nitric acid, acidification of first-draw samples may be done up to 14 days after the sample is collected.
- ii) If the first-draw sample is not acidified immediately after collection, then the sample must stand in the original container for at least 28 hours after acidification.

- E) If a supplier allows residents to perform sampling under subsection (b)(2)(D) above, the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

3) Service line samples.

- A) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours.

- B) Lead service line samples shall be collected in one of the following three ways:

- i) at the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;
- ii) tapping directly into the lead service line; or
- iii) if the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

4) Follow-up first-draw tap samples.

- A) A supplier shall collect each follow-up first-draw tap sample from the same sampling site from which it collected the previous sample(s).

- B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

original site.

c) Number of samples

- 1) Suppliers shall collect at least one sample from the number of sites listed in the first column of Section 611.351(d) (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d) below.
- 2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) below may collect one sample from the number of sites specified in the second column of Section 611.351(d) (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4) below.

d) Timing of monitoring

- 1) Initial tap sampling.

The first six-month monitoring period for small, medium-sized and large system suppliers shall begin on the dates specified in Section 611.351(d)(4).

- A) All large system suppliers shall monitor during each of two consecutive six-month periods.

- B) All small and medium-sized system suppliers shall monitor during each consecutive six-month monitoring period until:

- i) the supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier shall continue monitoring in accordance with subsection (d)(2) below, or

- ii) the supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4) below.

- 2) Monitoring after installation of corrosion control and source water treatment.

- A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).

- B) Any small or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall monitor during each of two consecutive six-month monitoring periods before

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the date specified in Section 611.351(e)(6).

- C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) shall monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).
- 3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.
- After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier shall monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

4) Reduced monitoring.

- A) Reduction to annual for small and medium-sized system suppliers meeting the lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c) above, and reduce the frequency of sampling to once per year.

B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.

- i) The Agency shall, by a SEP granted pursuant to Section 611.110, allow any supplier to reduce the frequency of monitoring to annual and the number of lead and copper samples to that specified by subsection (c) above if it determines that a supplier has, during each of two consecutive six-month monitoring periods, maintained the range of values for the water quality control parameters specified pursuant to Section 611.352(f) as reflecting optimal corrosion control treatment.

- ii) Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under subsection (d)(4)(B)(i) above.

- iii) The Agency shall set forth the basis for its determination under subsection (d)(4)(B)(i) above.

- iv) The Agency shall, by a SEP issued pursuant to Section 611.110, review, and where appropriate, revise its subsection (d)(4)(B)(i) above determination when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

sampling becomes available to the Agency.

- C) Reduction to triennial for small and medium-sized system suppliers.
- i) Small and medium-sized system suppliers meeting lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

- ii) SEP for suppliers meeting optimal corrosion control treatment. The Agency shall, by a SEP granted pursuant to Section 611.110, allow a supplier to reduce its monitoring frequency from annual to triennial if it determines that the supplier, during each of three consecutive years of monitoring, has maintained the range of values for the water quality control parameters specified as representing optimal corrosion control treatment pursuant to Section 611.352(f). Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under this subsection. The Agency shall set forth the basis for its determination. The Agency shall, by a SEP issued pursuant to Section 611.110, review, and where appropriate, revise its determination when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

- D) Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling shall collect these samples from sites included in the pool of targeted sampling sites identified in subsection (a) above, preferentially selecting those sampling sites from the highest tier first. Suppliers sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August, or September.

E) Resumption of standard monitoring.

- i) Small or medium-sized suppliers exceeding lead or copper action level. A small or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level shall resume sampling in accordance with subsection (d)(3) above and collect the number of samples specified for standard monitoring under subsection (c) above. Such a supplier shall also conduct water quality parameter monitoring in accordance with Section 611.357

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level.

- ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with subsection (d)(3) above and collect the number of samples specified for standard monitoring under subsection (c) above.

- e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper level) under this Subpart.

BOARD NOTE: Derived from 40 CFR 141.86 (19923).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section 611.532 Unfiltered PWSs

A supplier that uses a surface water source and does not provide filtration treatment shall begin monitoring December 31, 1990, unless the Agency has determined, pursuant to Section 611.211, that filtration is required, in which case the Agency shall specify alternative monitoring requirements, as appropriate, until filtration is in place. A supplier that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment shall begin monitoring beginning December 31, 1990, or 6 months after the Agency determines, pursuant to Section 611.212, that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency shall specify alternative monitoring requirements, as appropriate, until filtration is in place.

- a) Fecal coliform or total coliform density measurements as required by Section 611.231(a) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The supplier shall sample for fecal or total coliforms at the minimum frequency specified in Table B each week the supplier serves water to the public. Also, one fecal or total coliform density measurement must be made every day the supplier serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Agency determines that the supplier, for logistical reasons outside the supplier's control cannot have the sample analyzed within 30 hours of collection.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Turbidity measurements as required by Section 611.231(b) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every four hours (or more frequently) that the supplier serves water to the public. A supplier may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by special exception permit.

- c) The total inactivation ratio for each day that the supplier is in operation must be determined based on the CT_{99-9} values in Appendix B as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:

- 1) The temperature of the disinfected water must be measured at least once per day at each RDC sampling point.
 - 2) If the supplier uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine RDC sampling point.
 - 3) The disinfectant contact time(s) ("T") must be determined for each day during peak hourly flow.
 - 4) The RDC(s) ("C") of the water before or at the first customer must be measured each day during peak hourly flow.
 - 5) If a supplier uses a disinfectant other than chlorine, the supplier may monitor by other methods approved pursuant to Section 611.241(a)(1) and (2).
- d) The total inactivation ratio must be calculated as follows:
- 1) If the supplier uses only one point of disinfectant application, the supplier may determine the total inactivation ratio based on either of the following two methods:
 - A) One inactivation ratio ($A_i = CT_{99-9}/CT_{99-9}$) is determined before or at the first customer during peak hourly flow and, if the A_i is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved; or
 - B) Successive A_i values, representing sequential inactivation ratios, are determined between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:
 - i) Determine, for each sequence:

$$A_i = CT_{99-9_{calc}}/CT_{99-9_{99.9}}$$
 - ii) Add the A_i values together:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

$$B = \frac{50W}{A(1)}$$

- iii) If B is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved.

2) If the supplier uses more than one point of disinfectant application before or at the first customer, the supplier shall determine the Ct value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The Ai value of each sequence and B must be calculated using the method in subsection (d)(1)(B) to determine if the supplier is in compliance with Section 611.241.

3) Although not required, the total percent inactivation (PI) for a supplier with one or more points of RDC monitoring may be calculated as follows:

$$PI = 100 - (100/10^B)$$

e) The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and suppliers serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed in Table C. If at any time the RDC falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the supplier shall take a grab sample every 4 hours until the RDC is equal to or greater than 0.2 mg/L.

f) Points of measurement.

1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521 et seq., except that the Agency shall allow a supplier which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the Agency determines, by special exception permit, that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.

2) If the Agency determines, pursuant to Section 611.213, a supplier has no means for having a sample analyzed for HPC, the requirements of subsection (f)(1) do not apply to that supplier.

BOARD NOTE: Derived from 40 CFR 141.74(b) (19893) as amended at 54 Fed. Reg. 27526, June 29, 1989.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.602 Asbestos Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the MCL for asbestos in Section 611.301 is as follows:

a) Unless the Agency has determined under subsection (c) that the PWS is not vulnerable, each CWS and NTNCWS supplier shall monitor for asbestos during the first compliance period of each compliance cycle, beginning January 1, 1993.

b) CWS suppliers may apply to the Agency, by way of an application for a SEP under Section 611.110, for a determination that the CWS is not vulnerable based on consideration of the criteria listed in subsection (c) below.

c) The Agency shall determine that the CWS is "not vulnerable" if the CWS is not vulnerable to contamination either from asbestos in its source water, from corrosion of asbestos-cement pipe, or from both, based on a consideration of the following factors:

- 1) Potential asbestos contamination of the water source; and
 - 2) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.
- d) A SEP based on a determination that a CWS is not vulnerable to asbestos contamination expires at the end of the compliance cycle for which it was issued.

e) A supplier of a PWS vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

f) A supplier of a PWS vulnerable to asbestos contamination due solely to source water shall monitor in accordance with Section 611.601.

g) A supplier of a PWS vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

h) A supplier that exceeds the MCL, as determined in Section 611.609, shall monitor quarterly beginning in the next quarter after the violation occurred.

i) Reduction of quarterly monitoring.

- 1) The Agency shall issue a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) if it determines that the sampling point is reliably and consistently below the MCL.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) The request must, at a minimum, include the following information:

- A) For a GWS: two quarterly samples.
- B) For an SWS or mixed system: four quarterly samples.
- 3) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h) above if it violates the MCL specified by Section 611.609.

- j) If the Agency determines that data collected after January 1, 1990 are generally consistent with the requirements of this Section, it may grant a SEP pursuant to Section 611.110 that allows the supplier to use those data to satisfy the requirements of this Section for the compliance period beginning January 1, 1993.

BOARD NOTE: Derived from 40 CFR 141.23(b) (19913).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.603 Inorganic Monitoring Frequency

The frequency of monitoring conducted to determine compliance with the revised MCLs in Section 611.301 for antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is as follows:

- a) Suppliers shall take samples at each sampling point, beginning in the initial compliance period, as follows:

- 1) For GWSs: at least one sample every three years;
- 2) For SWSs and mixed systems: at least one sample each year.

BOARD NOTE: Derived from 40 CFR 141.23(c)(1) (19913), as amended at 57 Fed. Reg. 31839 (July 17, 1992).

- b) SEP Application. The supplier may apply to the Agency for a SEP that allows reduction from the monitoring frequencies specified in subsection (a) above pursuant to subsections (d) through (f) below and Section 611.110.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(2) and (c)(6) (19913).

- c) SEP procedures. The Agency shall review the request pursuant to the SEP procedures of Section 611.110 based on consideration of the factors in subsection (e) below.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (19913).

- d) Standard for SEP reduction in monitoring. The Agency shall grant a SEP that allows a reduction in the monitoring frequency if the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

supplier demonstrates that all previous analytical results were less than the MCL, provided the supplier meets the following minimum data requirements:

- 1) For GWS suppliers: a minimum of three rounds of monitoring.
- 2) For SWS and mixed system suppliers: annual monitoring for at least three years.
- 3) At least one sample must have been taken since January 1, 1990.
- 4) A supplier that uses a new water source is not eligible for a SEP until it completes three rounds of monitoring from the new source.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(4) (19913).

Standard for SEP monitoring conditions. As a condition of any SEP, the Agency shall require that the supplier take a minimum of one sample during the term of the SEP. In determining the appropriate reduced monitoring frequency, the Agency shall consider:

- 1) Reported concentrations from all previous monitoring;
- 2) The degree of variation in reported concentrations; and
- 3) Other factors may affect contaminant concentrations, such as changes in groundwater pumping rates, changes in the CWS configuration, the CWS's operating procedures, or changes in stream flows or characteristics.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) and (c)(5) (19913).

- f) SEP Conditions and Revision.

- 1) A SEP will expire at the end of the compliance cycle for which it was issued.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(3) (19913).

- 2) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. A SEP must provide that the Agency will review and, where appropriate, revise its determination of the appropriate monitoring frequency when the supplier submits new monitoring data or when other data relevant to the supplier's appropriate monitoring frequency become available.

BOARD NOTE: Drawn from 40 CFR 141.23(c)(6) (19913).

- g) A supplier that exceeds the MCL for barium, cadmium, chromium, fluoride, mercury, or selenium, as determined in Section 611.609, shall monitor quarterly for that contaminant, beginning in the next quarter after the violation occurred.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.23(c)(7) (1991³).

h) Reduction of quarterly monitoring.

- 1) The Agency shall grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to that specified by subsection (a) above if it determines that the sampling point is reliably and consistently below the MCL.
- 2) A request for a SEP must include the following minimal information:
 - A) For a GWS: two quarterly samples.
 - B) For an SWS or mixed system: four quarterly samples.
- 3) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring for any contaminant pursuant to subsection (g) above if it violates the MCL specified by Section 611.609 for that contaminant.

BOARD NOTE: Derived from 40 CFR 141.23(c)(8) (1991³).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.607 More Frequent Monitoring and Confirmation Sampling

This Section corresponds with 40 CFR 141.23(g), a federal provision authorizing the states to require more frequent monitoring and confirmation sampling with regard to 40 CFR 141.23(b) through (e) (corresponding with Sections 611.602 through 611.605). The Act authorizes the Board to adopt such requirements. The Board has not done so at this Section. This statement maintains structural consistency with U.S. EPA rules.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.609 ~~Average~~Determining Compliance

Compliance with the MCLs of Sections 611.300 or 611.301 (as appropriate) must be determined based on the analytical result(s) obtained at each sampling point.

- a) For suppliers that monitor at a frequency greater than annual, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is determined by a running annual average at each sampling point.

- 1) If the average at any sampling point is greater than the MCL, then the supplier is out of compliance.

- 2) If any one sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Any sample below the method detection limit must be calculated at zero for the purpose of determining the annual average.

BOARD NOTE: The "method detection limit" is different from the "detection limit", as set forth in Section 611.600. The "method detection limit" is the level of contaminant that can be determined by a particular method with a 95 percent degree of confidence, as determined by the method outlined in 40 CFR 136, appendix B, incorporated by reference at Section 611.102.

- b) For suppliers that monitor annually or less frequently, compliance with the MCLs for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium is determined by the level of the contaminant at any sampling point. If a confirmation sample is taken, the determination of compliance will be based on the average of the two samples.

- c) Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, Section 611.606 requires confirmation sampling, and compliance is determined based on the average of the initial and confirmation samples.

- d) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may give the public notice required by Subpart T only to persons served by that portion of the distribution system not in compliance.

BOARD NOTE: Derived from 40 CFR 141.23(i) (1991³), as amended at 57 Fed. Reg. 31829 (July 17, 1992).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

- a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

- 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

- 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

- 3) This subsection corresponds with 40 CFR 141.23(l)(3) (1992³), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the U.S. EPA lead and repealed that old MCL. This statement maintains structural consistency with U.S. EPA rules.

- 4) This subsection corresponds with 40 CFR 141.23(l)(4) (1992³), which authorizes the state to determine compliance

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with U.S._EPA rules.

- b) If the result of an analysis made under subsection (a) above indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b) above, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart T of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.
- d) This subsection corresponds with 40 CFR 141.23(o) (19923), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the U.S._EPA action and repealed that old MCL. This statement maintains structural consistency with U.S._EPA rules.
- e) This subsection corresponds with 40 CFR 141.23(p) (19923), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R88-26. This statement maintains structural consistency with U.S._EPA rules.
- f) Analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.
 - 1) Arsenic:
 - A) ASTM:
 - i) Method D2972-88A, or
 - ii) Method D2972-88B;
 - B) Standard Methods:
 - i) Method 307A, or
 - ii) Method 307B;
 - C) USGS Methods, Method I-1062-85;
 - D) U.S._EPA Inorganic Methods:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- i) Method 206.2, or
 - ii) Method 206.3; or
- E) ICP Method 200.7, as supplemented by appendix 200.7A.
- 2) Fluoride: The methods specified in Section 611.611(c) shall apply for the purposes of this Section.
- 3) Cyanide, until the cyanide MCL of Section 611.300 is no longer effective:
 - A) Standard Methods: Method 4500-CN D, E, F, or G;
 - B) U.S._EPA Inorganic Methods: Methods 335.1, 335.2, or 335.3; or
 - C) ASTM Methods D2036-89A or B.
- 4) Iron:
 - A) Standard Methods: Method 303A;
 - B) U.S._EPA Inorganic Methods:
 - i) Method 236.1, or
 - ii) Method 236.2; or
 - C) ICP Method 200.7, as supplemented by appendix 200.7A.
- 5) Manganese:
 - A) ASTM: Method D858-84;
 - B) Standard Methods: Method 303A;
 - C) U.S._EPA Inorganic Methods:
 - i) Method 243.1, or
 - ii) Method 243.2; or
 - D) ICP Method 200.7, as supplemented by appendix 200.7A.
- 6) Zinc:
 - A) Standard Methods: Method 303A; or
 - B) U.S._EPA Inorganic Methods:
 - i) Method 289.1, or
 - ii) Method 289.2.

BOARD NOTE: The provisions of subsections (a) through (f)(3) above derive from 40 CFR 141.23(l) through (q) (19923). The Board has

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

deleted several analytical methods codified by U.S. EPA at 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) because the MCLs of 40 CFR 141.11 expired for those contaminants on July 30 and November 30, 1992. Subsection (f)(2) above relates to a contaminant for which U.S. EPA specifies a MCL, but for which it repealed the analytical method. Subsections (f)(4) through (f)(6) above relate exclusively to additional state requirements. The predecessor to subsections (a) through (e) above were formerly codified as Section 611.601. The predecessor to subsection (f) above was formerly codified as Section 611.606.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect" and "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(1), and (f)(20) (19923). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (19923). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) below.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) below.

c) Sampling points.

- 1) Sampling points for CWSS. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
- 2) Sampling points for SWSS and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:
 - A) Each entry point after treatment; or
 - B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(f)(1) through (f)(3) (19923).

d) Each CWS and NTNCS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (f)(1) below has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs shall take one sample during each three-year compliance period.

g) A CWS or NTNCS supplier that has completed the initial round of monitoring required by subsection (d) above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (e) or (f) above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) above as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (19923), as amended at 57 Fed. Reg. 31841 (July 17, 1992), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) below. The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a) above.

h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) above sought pursuant to subsection (g) above.

i) A SEP issued to a GWS pursuant to subsection (g) above is for a maximum of six years, except that a SEP as to the subsection (d) above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) above and submitted pursuant to subsection (g) above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) above. Based on this application, the Agency shall either:

1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,

2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: This provision does not apply to SWSs and mixed systems.

j) Special considerations for SEPs for SWS and mixed systems.

1) The Agency must determine that a SWS is not vulnerable before issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) above is for a maximum of one compliance period; and

2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, and Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

subsection (g) above. Subsection (j) above represents the elements unique to SWSs and mixed systems, and subsection (i) above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.

k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:

1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For a SWS or mixed system, four quarterly samples.

C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) above if it violates the MCL specified by Section 611.311.

3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) above.

5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) below shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) below, subject to the limitation of subsection (k)(5)(C) below.

A) Two-carbon contaminants (Phase I or II VOC):

1,2-Dichloroethane (Phase I)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1,1-Dichloroethylene (Phase I)
 cis-1,2-Dichloroethylene (Phase II)
 trans-1,2-Dichloroethylene (Phase II)
 Tetrachloroethylene (Phase II)
 1,1,1-Trichloroethylene (Phase I)
 Trichloroethylene (Phase I)
- B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) above.
- C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in first sample required by subsection (k)(5)(B) above.
- 1) Quarterly monitoring following MCL violations.
- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) below, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.
- 2) Annual monitoring.
- A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
- B) A request for a SEP must include the following minimal information: four quarterly samples.
- C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) above if it violates the MCL specified by Section 611.311.
- D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.
- m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
- 2) Averaging is as specified in subsection (o) below.
- 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.
- o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.
- 1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.
- A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
- B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.
- C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.
- 2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.
- 3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice for a supplier out of compliance if the supplier is required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.
- p) Analyses for the Phase I, Phase II, and Phase V VOCs must be conducted using the following methods. These methods are contained in USEPA Organic Methods, incorporated by reference in Section 611.102:
- 1) Method 502.1: "Volatile Halogenated Organic Chemicals in Water by Purge and Trap Gas Chromatography".

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Method 502.2: "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series".
- 3) Method 503.1: "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography".
- 4) Method 524.1: "Measurement of Purgeable Organic Compounds in Water by Purged Column Gas Chromatography/Mass Spectrometry".
- 5) Method 524.2: "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry".

q) Analysis under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions:

- 1) To receive conditional approval to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:
 - A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 - B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) below for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;
 - C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within ± 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;
 - D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within ± 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and
 - E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102.
- 2) To receive conditional approval to conduct analyses for vinyl chloride the laboratory must:
 - A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 - B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) above that are within ± 40

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

percent of the actual amount of vinyl chloride in the performance evaluation sample;

- C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102; and
- D) Obtain certification pursuant to subsection (q)(1) above for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.

r) Use of existing data.

- 1) The Agency shall allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
- 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) above.
- s) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
- t) Each laboratory approved for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) above shall:
 - 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
 - 2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.
- u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (19923) as amended at 57 Fed. Reg. 31841 (July 17, 1992).

(Source: Amended at 18 Ill. Reg. _____, effective _____)
 Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V VOCs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

"detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) below.

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

- b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (q) below.

BOARD NOTE: USEPA stayed the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

- c) Sampling points.

- 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

- 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

- A) Each entry point after treatment; or
- B) Points in the distribution system that are representative of each source.

- 3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(h)(1) through (h)(3) (1992).

- d) Monitoring frequency:

- 1) Each CWS and NTNCS supplier shall take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

compliance period.

- 2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

- 3) Suppliers serving less than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each subsequent three-year compliance period.

- e) Reduction to annual monitoring frequency. A CWS or NTNCS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) above. A SEP from the requirement of subsection (d) above shall last for only a single three-year compliance period.

- f) Vulnerability Assessment. The Agency shall grant a SEP from the requirements of subsection (d) above based on consideration of the factors set forth at Section 611.110(e).

- g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then:

- 1) The supplier shall monitor quarterly for the contaminant at each sampling point that resulted in a detection.

- 2) Annual monitoring.

- A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

- B) A request for a SEP must include the following minimal information:

- i) For a GWS, two quarterly samples.

- ii) For a SWS or mixed system, four quarterly samples.

- C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

- D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) above if it detects any Phase II SOC.

- 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

result.

- 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) above.

- 5) Monitoring for related contaminants.

- A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) below, subsequent monitoring shall analyze for all the related compounds in the respective group.

- B) Related contaminants:

i) first group:

aldicarb
aldicarb sulfone
aldicarb sulfoxide

ii) second group:

heptachlor
heptachlor epoxide,

- h) Quarterly monitoring following MCL violations.

- 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) below, shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

- 2) Annual monitoring.

- A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.

- B) A request for a SEP must include, at a minimum, the results from four quarterly samples.

- C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

- D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) above if it detects any Phase II SOC.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- E) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

- i) Confirmation samples.

- 1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

- 2) Averaging is as specified in subsection (k) below.

- 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

- j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

- k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.

- 1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

- A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

- B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

- C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

- 2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

- 3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice ~~for a supplier out of compliance to~~ governed by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.

BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (19923).

- 1) Analysis for Phase II, Phase IIB, and Phase V SOCs must be

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

conducted using the following methods. These methods, except for USEPA Dioxin and Furan Method 1613, are contained in USEPA Organic Methods. All methods are incorporated by reference in Section 611.102.

- 1) Method 504: "1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) in Water by Microextraction and Gas Chromatography". Method 504 can be used to measure 1,2-Dibromo-3-chloropropane (dibromochloropropane or DBCP) and 1,2-Dibromoethane (ethylene dibromide or EDB).
- 2) Method 505: "Analysis of Organohalide Pesticides and Commercial Polychlorinated Biphenyl Products (Aroclors) in Water by Microextraction and Gas Chromatography". Method 505 can be used to measure alachlor, atrazine, chlordane, DDT, dieldrin, endrin, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, simazine, and toxaphene. Method 505 can be used as a screen for PCBs.
- 3) Method 507: "Determination of Nitrogen- and Phosphorus-Containing Pesticides in Ground Water by Gas Chromatography with a Nitrogen-Phosphorus Detector". Method 507 can be used to measure alachlor, atrazine, and simazine.
- 4) Method 508: "Determination of Chlorinated Pesticides in Water by Gas Chromatography with an Electron Capture Detector". Method 508 can be used to measure chlordane, DDT, dieldrin, endrin, heptachlor, heptachlor epoxide, hexachlorobenzene, lindane, methoxychlor, and toxaphene. Method 508 can be used as a screen for PCBs.
- 5) Method 508A: "Screening for Polychlorinated Biphenyls by Perchlorination and Gas Chromatography". Method 508A is used to quantitate PCBs as decachlorobiphenyl if detected in Methods 505 or 508.
- 6) Method 515.1, revision 5.0 (May, 1991): "Determination of Chlorinated Acids in Water by Gas Chromatography with an Electron Capture Detector". Method 515.1 can be used to measure 2,4-D, dalapon, dinoseb, pentachlorophenol, picloram, and 2,4,5-TP (Silvex).
- 7) Method 525.1, revision 3.0 (May, 1991): "Determination of Organic Compounds in Drinking Water by Liquid-Solid Extraction and Capillary Column Gas Chromatography/Mass Spectrometry". Method 525 can be used to measure alachlor, atrazine, chlordane, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, endrin, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, and pentachlorophenol polynuclear aromatic hydrocarbons, simazine, and toxaphene.
- 8) Method 531.1: "Measurement of N-Methyl Carbamoyloximes and N-Methyl Carbamates in Water by Direct Aqueous Injection HPLC with Post-Column Derivatization". Method 531.1 can be used to measure aldicarb, aldicarb sulfoxide, aldicarb sulfone, and carbofuran, and oxamyl.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) USEPA Dioxin and Furan Method 1613: "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution". Method 1613 can be used to measure 2,3,7,8-TCDD (dioxin).
- 10) Method 547: "Analysis of Glyphosate in Drinking Water by Direct Aqueous Injection HPLC with Post-Column Derivatization", available from USEPA-OST. Method 547 can be used to measure glyphosate.
- 11) Method 548: "Determination of Endothall in Aqueous Samples". Method 548 can be used to measure endothall.
- 12) Method 549: "Determination of Diquat and Paraquat in Drinking Water by High Performance Liquid Chromatography with Ultraviolet Detection". Method 549 can be used to measure diquat.
- 13) Method 550: "Determination of Polycyclic Aromatic Hydrocarbons in Drinking Water by Liquid-Liquid Extraction and HPLC with Coupled Ultraviolet and Fluorescence Detection". Method 550 can be used to measure benzo(a)pyrene and other polynuclear aromatic hydrocarbons.
- 14) Method 550.1: "Determination of Polycyclic Aromatic Hydrocarbons in Drinking Water by Liquid-Solid Extraction and HPLC with Coupled Ultraviolet and Fluorescence Detection". Method 550 can be used to measure benzo(a)pyrene and other polynuclear aromatic hydrocarbons.
- m) Analysis for PCBs must be conducted as follows:
 - 1) Each supplier that monitors for PCBs shall analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.
 - 2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Methods 505 or 508, the supplier shall reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl).
 - 3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.
- n) Use of existing data.
 - 1) The Agency shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
 - 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) above.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- o) The Agency shall issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

- p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA rules.

- q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

- r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors):	Aroclor	Detection Limit (mg/L)
	1016	0.00008
	1221	0.02
	1232	0.0005
	1242	0.0003
	1248	0.0001
	1254	0.0001
	1260	0.0002

- 2) for other Phase II, Phase IIB, and Phase V SOCs:

Contaminant	Detection Limit (mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.0002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
Dibromochloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.0001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Hexachlorocyclopentadiene	0.00002
Hexachlorocyclopentadiene	0.0001
Methoxychlor	0.002
Oxamyl	0.0001
Picloram	0.0001
Polychlorinated biphenyls (PCBs)	0.00004
(as decachlorobiphenyl)	0.00007
Pentachlorophenol	0.001
Toxaphene	0.000000005
2,3,7,8-TCDD (dioxin)	0.0002
2,4,5-TP (Silvex)	0.0002

s) Laboratory Certification.

- 1) Analyses under this section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions.

- 2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs the laboratory must:

- A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and
- B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) above that are within the acceptance limits set forth in subsection (s)(2)(C) above.

C) Acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (silvex)	± 50%

BOARD NOTE: Derived from 40 CFR 141.24(h) (1992), as amended at 57 Fed. Reg. 31942 (July 17, 1992).

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart must be conducted by one of the following methods, incorporated by reference in Section 611.102:

- a) "The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method," U.S. EPA Organic Methods, Method 501.1.
- b) "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," U.S. EPA Organic Methods, Method 501.2.
- c) "Volatile Organic Compounds in Water by Purge and Trap Capillary Gas Chromatography with Photoionization and Electrolytic Conductivity Detector in Series", U.S. EPA Organic Methods (July 1991 revision), Method 502.2.
- d) "Volatile Organic Chemicals in Water by Purge and Trap Capillary Gas Chromatography/Mass Spectrometry", U.S. EPA Organic Methods (July 1991 revision), Method 524.2.
- e) For the methods cited in subsections (a) and (b) above, see 40 CFR 141, subpart C, appendix C, incorporated by reference in Section 611.102. Samples for THM must be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in the above two methods. Samples for maximum THM potential must not be dechlorinated, and must be held for seven days at 25-degrees C (or above) prior to analysis, according to the procedures described in the above two methods.

BOARD NOTE: Derived from 40 CFR 141.30(e) (1989).

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section 611.851 Reporting MCL and other Violations

A supplier that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

- a) Except as provided in subsection (c), the supplier shall give notice:
 - 1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and
 - 2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SEP that the supplier in violation has corrected the violation or failure within the 45-day period; and
 - 3) For violations of the MCLs of contaminants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:
 - A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.
 - B) Violation of the MCL for nitrate or nitrite in Section 611.301.
 - C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).
 - D) Occurrence of a waterborne disease outbreak.
- b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.
- c) Alternative methods of notice.
 - 1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

- 2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

- 3) Where allowed, pursuant to Section 611.609(d), 611.646(c)(3), 611.647(i), or 611.648(k)(3) because it has a sewerage system, a supplier may issue public notice only to persons on that portion of its system that its out of compliance.

BOARD NOTE: PGenerally derived from 40 CFR 141.32(a) (1993). Subsection (c)(3) derived from 40 CFR 141.23(i)(4) & 141.24(f)(15)(ii), (g)(9) & (h)(11)(ii) (1993).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611.856 Fluoride Notice

Notice of violations of the MCL for fluoride, notices of variances and adjusted standards from the MCL for fluoride and notices of failure to comply with variance and adjusted standard schedules for the MCL for fluoride must consist of the public notice prescribed in Appendix A plus a description of any steps which the supplier is taking to come into compliance.

BOARD NOTE: Derived from 40 CFR 141.32(f) and (g) (1989).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 611 Appendix A Mandatory Health Effects Information

- 1) Trichloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

Carbon tetrachloride. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

1,2-Dichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

Vinyl chloride. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. ~~This chemical has been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.~~

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. U.S. EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of _____ milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact _____ at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1992).

- 10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B of this Part). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet U.S. EPA requirements is associated with little to none of this risk and should be considered safe.

- 11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

- 12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. U.S. EPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

- 13) Lead. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solder and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with these materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deficits in the attention span, hearing, and learning abilities of children, and slight increases in the blood pressure of some adults. U.S. EPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the U.S. EPA "action level") have optimized their corrosion control treatment. Any water system that exceeds their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.

- 14) Copper. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by-product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. U.S. EPA's national primary drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the U.S. EPA "action level") are not required to install or improve their treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

- 15) Asbestos. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking; in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysotile asbestos fibers greater than 10 micrometers in length is associated with causing benign tumors in male rats. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for asbestos at 7 million long fibers per liter to reduce the potential risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets the U.S. EPA standard is associated with little to none of this risk and should be considered safe with respect to asbestos.

- 16) Barium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that barium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in some aquifers that serve as sources

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

of groundwater. It is also used in oil and gas drilling muds, automotive paints, bricks, tiles, and jet fuels. It generally gets into drinking water after dissolving from naturally occurring minerals in the ground. This chemical may damage the heart and vascular system, and is associated with high blood pressure in laboratory animals such as rats exposed to high levels during their lifetimes. In humans, U.S. EPA believes that effects from barium on blood pressure should not occur below 2 parts per million (ppm) in drinking water. U.S. EPA has set the drinking water standard for barium at 2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to barium.

- 17) Cadmium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. U.S. EPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

- 18) Chromium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. U.S. EPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

- 19) Mercury. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect

NOTICE OF PROPOSED AMENDMENTS

against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

- 20) Nitrate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human and/or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. U.S. EPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. U.S. EPA has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, U.S. EPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

- 21) Nitrite. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. U.S. EPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. U.S. EPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the U.S. EPA standard is

NOTICE OF PROPOSED AMENDMENTS

associated with little to none of this risk and is considered safe with respect to nitrite.

- 22) Selenium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. U.S. EPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

- 23) Acrylamide. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. U.S. EPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

- 24) Alachlor. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

- 25) Aldicarb. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

26) Aldicarb sulfoxide. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that aldicarb sulfoxide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfoxide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfoxide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb sulfoxide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfoxide.

27) Aldicarb sulfone. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. U.S. EPA has set the drinking water standard for aldicarb sulfone at 0.002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfone.

28) Atrazine. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to affect offspring of rats and the heart of dogs. U.S. EPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. U.S. EPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

30) Chlordane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. U.S. EPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (U.S. EPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into groundwater. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37) Epichlorohydrin. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EDB). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for EDB at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40) Heptachlor. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

41) Heptachlor epoxide. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

42) Lindane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. U.S. EPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

43) Methoxychlor. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. U.S. EPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

44) Monochlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

- 45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

- 46) Pentachlorophenol. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

- 47) Styrene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. U.S. EPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 48) Tetrachloroethylene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

- 49) Toluene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. U.S. EPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

- 50) Toxaphene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

- 51) 2,4,5-Tp. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 2,4,5-Tp is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-Tp may get into drinking water by runoff into surface water or by leaching into groundwater. This

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52) Xylenes. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. U.S. EPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

53) Antimony. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that antimony is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for antimony at 0.006 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

54) Beryllium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, U.S. EPA based the health

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

assessment on noncancer effects with and extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

56) Cyanide. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. U.S. EPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

57) Nickel. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that nickel is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electroplating, stainless steel, and alloy products. It generally gets into water from mining and refining operations. This chemical has been shown to damage the heart and liver in laboratory animals when the animals are exposed to high levels over their lifetimes. U.S. EPA has set the drinking water standard at 0.1 parts per million (ppm) for nickel to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to nickel.

58) Thallium. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

Benzo(a)pyrene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure. Cigarette smoke and charbroiled meats are common sources of general exposure. The major source of benzo(a)pyrene in drinking

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

water is the leaching from coal tar lining and sealants in water storage tanks. This chemical has been shown to cause cancer in animals such as rats and mice when the animals are exposed to high levels. U.S. EPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

- 59) Dalapon. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dalapon is a health concern at certain levels of exposure. This organic chemical is a widely used herbicide. It may get into drinking water after application to control grasses in crops, drainage ditches, and along railroads. This chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for dalapon at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dalapon.

- 60) Dichloromethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure. This organic chemical is a widely used solvent. It is used in the manufacture of paint remover, as a metal degreaser, and as an aerosol propellant. It generally gets into water after improper discharge of waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for dichloromethane at 0.005 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dichloromethane.

- 61) Di(2-ethylhexyl)adipate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that di(2-ethylhexyl)adipate is a health concern at certain levels of exposure. Di(2-ethylhexyl)adipate is a widely used plasticizer in a variety of products, including synthetic rubber, food packaging materials, and cosmetics. It may get into drinking water after improper waste disposal. This chemical has been shown to damage the liver and testes in laboratory animals such as rats and mice when the animals are exposed to high levels. U.S. EPA has set the drinking water standard for di(2-ethylhexyl)adipate at 0.4 parts per million (ppm) to protect against the risk of adverse health effects that have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)adipate.

- 62) Di(2-ethylhexyl)phthalate. The United States Environmental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Protection Agency (U.S. EPA) sets drinking water standards and has determined that di(2-ethylhexyl)phthalate is a health concern at certain levels of exposure. Di(2-ethylhexyl)phthalate is a widely used plasticizer, which is primarily used in the production of polyvinyl chloride (PVC) resins. It may get into drinking water after improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for di(2-ethylhexyl)phthalate at 0.004 parts per million (ppm) to protect against the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)phthalate.

- 63) Dinoseb. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dinoseb is a health concern at certain levels of exposure. Dinoseb is a widely used pesticide and generally gets into water after application on orchards, vineyards, and other crops. This chemical has been shown to damage the thyroid and reproductive organs in laboratory animals such as rats exposed to high levels. U.S. EPA has set the drinking water standard for dinoseb at 0.007 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dinoseb.

- 64) Diquat. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that diquat is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, and gastrointestinal tract and causes cataract formation in laboratory animals such as dogs and rats exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for diquat at 0.02 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to diquat.

- 65) Endothall. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that endothall is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, gastrointestinal tract, and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. U.S. EPA has set the drinking water standard for endothall at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to endothall.

- 66) Endrin. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that endrin

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer registered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney, and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure. This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is a used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

70) Oxamyl. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and other pests. It may get into drinking water by runoff into surface water or leaching into ground water. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. U.S. EPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Picloram. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that picloram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper waste disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for picloram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to picloram.

72) Simazine. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that simazine is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in herbicide manufacture. It generally gets into drinking water by discharges from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. U.S. EPA has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

74) 1,1,2-Trichloroethane. The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. U.S. EPA has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD (dioxin). The United States Environmental Protection Agency (U.S. EPA) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. U.S. EPA has set the drinking water standard for dioxin at 0.00000003 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the U.S. EPA standard is associated with little to none of this risk and is considered safe with respect to dioxin.

BOARD NOTE: Derived from 40 CFR 141.32(e) (19923), as amended at 57 Fed. Reg. 31843 (July 17, 1992).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------------|--|
| 1) <u>Heading of the Part:</u> | Procedures and Standards |
| 2) <u>Code Citation:</u> | 92 Ill. Adm. Code 1001 |
| 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 1001.410 | Amend |
| 1001.441 | New |
| 1001.442 | New |
| 1001.443 | New |
| 4) <u>Statutory Authority:</u> | Authorized by Illinois Vehicle Code, 625 ILCS 5/11-501, as amended by P.A. 88-238, effective January 1, 1994 |

5) A Complete Description of the Subjects and Issues Involved:
 The proposed additions to Section 1001.400 et seq implement the Breath Alcohol Ignition Interlock Device Pilot Program and integrate the provisions of the program with the existing rules governing hearings for individuals who have lost their driving privileges due to an alcohol related suspension or revocation. The program was authorized by Public Act 88-238 (eff. January 1, 1994).

Proposed Section 1001.441 describes the Program, identifies the Petitioner's it will apply to, and sets forth the manner in which reports generated by the interlock device will be used to monitor the performance of the permittee, including the conditions under which permits can be cancelled based upon the drivers performance as indicated in the monitor reports. The Section also sets forth the duties and responsibilities of the individual required to have a device installed as a condition of their being granted a Restricted Driving Permit.

Section 1001-442 established the responsibilities of manufacturers whose devices will be utilized in the program and the capabilities which the devices must have in order to be approved for use. The procedure for a manufacturer to seek approval is set forth as is the authority for the Department of Public Health to inspect and monitor the manufacturers, their agents, and the actual devices. The Section also contains provisions for disqualifying a manufacturer or a device.

Section 1001-443 sets forth the responsibilities of installers as well as the equipment, training, and knowledge applicable to them. The provisions for the termination of an

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

installer's certification are also set forth.
Section 1001-410 is amended to provide the definition of terms related to the program.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: None
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Jay Mesi, Senior Legal Advisor
Department of Administrative Hearings
288 Howlett Building
Springfield, Illinois 62756
- 12) Initial Regulatory Flexibility Analysis:
A) Date rule submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 10, 1994
B) Types of small businesses affected: May provide for the establishment of new small businesses or additional opportunities for existing small businesses.
C) Reporting, bookkeeping or other procedures required for compliance: None

- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment is identical to the text of the emergency amendment appearing in this Register issue on page 7916.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Vehicle Inspection Section Hearings
- 2) Code Citation: 92 Ill. Adm. Code 450

3) Section Numbers:

450.110
450.120
450.130
450.220

Proposed Action:

Amend
Amend
Amend
Amend

4) Statutory Authority:

Implementing and authorized by Section 13-108 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 13-108) [625 ILCS 5/13-108]

5) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes to update statutory citations to correctly reference the Illinois Compiled Statutes. The Department proposes to change the name of this Part from "Vehicle Inspection Section Hearings" to "Commercial Vehicle Safety Section Hearings." The Section name was changed in 1989 due to reorganization within the Division of Traffic Safety. The Department also provides name and address changes for the Division's "Bureau of Safety Programs - Commercial Vehicle Safety Section."

Primarily, this rulemaking amends Section 450.220, Place of Hearing, to provide a new administrative hearing location at the Department's offices in Carbondale, Illinois. This new hearing location is more convenient for those Official Testing Station owners operating in the southern part of the state. These station owners will no longer be required to travel to Springfield for an administrative hearing.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

This Part affects units of local government which own or operate Official Testing Stations in the southern part of Illinois.

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764

Comments received within forty-five days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small business which own or operate Official Testing Stations in the southern part of Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance:
No new or additional reporting or recordkeeping requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No new or addition professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 450
~~VEHICLE-INSPECTION~~ COMMERCIAL VEHICLE SAFETY SECTION HEARINGS

SUBPART A: PROCEDURAL RULES

Section	
450.110	Applicability
450.120	Definitions
450.130	Filing
450.140	Form
450.150	Appearances
450.160	Complaint Relating to Violations of the Act or of the Regulations
450.170	Filing of Responsive Pleadings
450.180	Waiver of Hearing
450.190	Effect of Waiver of Hearings

SUBPART B: HEARINGS

Section	
450.210	Notice
450.220	Place of Hearing
450.230	Hearing Officer
450.240	Transcript

SUBPART C: COMPLAINT

Section	
450.310	Notice
450.320	Contents of Complaint
450.330	Motions and Answers
450.340	Motions to be in Writing
450.350	Appearance
450.360	Intervention
450.370	Filing
450.380	Rights
450.390	Continuances

SUBPART D: PROCEDURE IN HEARINGS

Section	
450.410	Order of Hearings
450.420	Discovery
450.430	Default

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: FILING OF ORDER

Section 450.510 Final Orders

SUBPART F: GENERAL RULES

Section 450.610 View of Testing Station
 450.620 Judicial Notice
 450.630 Subpoena
 450.640 Appeal

APPENDIX A Illinois Citation and Complaint

AUTHORITY: Implementing and authorized by Section 13-108 of the Illinois Vehicle Code (Ill. Rev. Stat. 1981199), ch. 95 1/2, par. 13-108) [625 ILCS 5/13-108]

SOURCE: Amended March 4, 1976; codified at 7 Ill. Reg. 2744; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: PROCEDURAL RULES

Section 450.110 Applicability

~~The rules~~ This Part herein published by the Department of Transportation, Division of Traffic Safety, Bureau of Safety Operations Programs, Vehicle Inspection--Section Commercial Vehicle Safety Section, shall govern the practices and procedures of all hearings conducted by the Division of Traffic Safety, Bureau of Safety Operations Programs, Vehicle Inspection--Section Commercial Vehicle Safety Section.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 450.120 Definitions

As used herein, the following terms shall be defined as follows:

The term "Act" means the Illinois Vehicle Code of the State of Illinois published as Chapter 95 1/2 of the Illinois Revised Statutes [625 ILCS 5];

The term "Department" means the Department of Transportation of the State of Illinois;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

The term "Hearing Officer" means a person duly qualified and designated as a hearing officer under Section 450.230 of these regulations this Part;

The term "Permit" means a grant of privilege to a person by the Department of Transportation to operate an Official Testing Station as set forth in Section 13-103 of the Act (Ill. Rev. Stat. 198191, ch. 95 1/2, par. 13-103) [625 ILCS 5];

The term "Person" means any person defined in Section 1-159 of the Act (Ill. Rev. Stat. 198191, ch. 95 1/2, par. 1-159) [625 ILCS 5/1-159];

The term "Regulations" means the published rules and regulations promulgated by the Department of Transportation, Division of Traffic Safety, Bureau of Safety Operations Programs, Vehicle Inspection--Section Commercial Vehicle Safety Section, relating to the lawful, proper operation of an Official Testing Station;

The term "Secretary" means the Secretary of the Department of Transportation;

The term "Testing Station" means any official, certified vehicular testing station as set forth in Section 13-103 of the Act.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 450.130 Filing

Documents required to be filed with the Department of Transportation shall be addressed to and mailed to or filed with the Director, Division of Traffic Safety, Department of Transportation, 2300 South Everett--McKinley Dikksen Parkway, P.O. Box 19212, 3215 Executive Park Drive, Springfield, Illinois 62764 62794-9212.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 450.220 Place of Hearing

Hearings for alleged violation of either the Act or the Regulations or both occurring in McHenry--Lake, Kane, Cook, Kendall, Will, Jo--Davies, Stephenson, Winnebago, Boone, Carroll, Ogle, DeKalb, Whiteside, Lee, Rock Island, Henry, Bureau, DuPage, Kankakee, Grundy, LaSalle, Counties--shall be held at offices of the Department at 1000 Plaza Drive, Schaumburg, Illinois, 60172--Hearings for alleged violations of either the Act or the Regulations or both occurring in any other county shall be held at the Department's offices located at 2300 South Everett--McKinley--Dikksen Parkway, Springfield, Illinois, 62764.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Freedom of Information

2) Code Citation: 2 Ill. Adm. Code 601

3) Section Numbers: Adopted Action:
601.100 Amendment
601.400 Amendment
601.APPENDIX D Amendment
601.APPENDIX E Amendment

4) Statutory Authority: Implementing and authorized by Section 3(g) of The Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 203(g)) [5 ILCS 140/3(g)] and Section 5-15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15].

5) Effective Date of Amendments: **MAY 09 1994**

6) Does this rulemaking contain an automatic repeal date? No

7) Do the adopted amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 23, 1994

9) Notice of Proposal Published in Illinois Register: Prior publication in the Illinois Register is not required.

10) Has JCAR issued a Statement of Objections to these rules? Prior review by JCAR is not required.

11) Differences between proposal and final version: None. See response to question number 9.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Prior review by JCAR is not required.

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This part is being amended to make various non-substantive changes.

16) Information and questions regarding these Amendments should be directed to:

Richard C. Hanson
Office of the Auditor General
100 West Randolph Street, Suite 4-100
Chicago, Illinois 60601-3219
(312) 814-4072

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henry, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Rock Island, Stephenson, Whiteside, Will, and Winnebago Counties shall be held at the offices of the Department at 201 West Center Court, Schaumburg, Illinois. Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in Alexander, Clay, Clinton, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson Counties shall be held at the offices of the Department at 2801 West Murphysboro Road, Carbondale, Illinois. Hearings for alleged violation(s) of either the Act or 92 Ill. Adm. Code, Chapter I, Subchapter (e) or both occurring in any other county shall be held at the Department's offices located at 3215 Executive Park Drive, Springfield, Illinois.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER V: AUDITOR GENERAL

PART 601

FREEDOM OF INFORMATION

SUBPART A: INTRODUCTION

Section
601.100 Summary and Purpose
601.110 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
601.200 Person to Whom Requests are Submitted
601.210 Form and Content of Requests

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
601.300 Time for Response
601.310 Types of Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
601.400 Appeal of a Denial
601.410 Auditor General's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section
601.500 Inspection of Records
601.510 Copies of Public Records
601.520 General Materials Available From the Freedom of Information Officer

APPENDIX A Request for Public Records
APPENDIX B Fee Schedule for Duplication and Certification of Public Records
APPENDIX C Approval of Request for Public Records
APPENDIX D Denial of Request for Public Records
APPENDIX E Partial Approval of Request for Public Records
APPENDIX F Deferral of Response to Request for Public Records
APPENDIX G FOIA Appeal/Auditor General's Response

AUTHORITY: Implementing and authorized by Section 3(g) of The Freedom of Information Act (~~Supp. to Ill. Rev. Stat. 1983 91~~, ch. 116, par. 203(g)) [5 ILCS 140/3](qll) and Section 5-15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15].

SOURCE: Adopted at 9 Ill. Reg. 1027, effective January 16, 1985; amended at _____ Ill. Reg. _____, effective MAY 09 1994.

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: INTRODUCTION

Section 601.100 Summary and Purpose

- a) These rules are established to implement the provisions of The Freedom of Information Act (~~Supp. to Ill. Rev. Stat. 1983 91~~, ch. 116, par. 201 et seq.) [5 ILCS 140/1 et seq.]. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Office of the Auditor General while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency. To this end, the Auditor General's Regulation on ~~Confidentiality~~ Maintenance of Information, 74 Ill. Adm. Code 420: Subpart G, is incorporated herein by reference.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed as internal rules in accordance with Section 5-15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) [5 ILCS 100/5-15].

(Source: Amended at _____ Ill. Reg. _____, effective MAY 09 1994)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 601.400 Appeal of a Denial

- a) A requester whose request has been denied by the Freedom of Information Officer may appeal the denial to the Auditor General. The notice of appeal shall be made in writing and sent to:

~~Honorable Robert G. Griesen~~
The Auditor General
Marriott Commerce Building, Room 151
509 South Sixth Street
Springfield, Illinois 62701-1878

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the receiver, and a statement of the reasons why the appeal should be granted.

(Source: Amended at _____ Ill. Reg. _____, effective MAY 09 1994)

Section 601.APPENDIX D Denial of Request for Public Records

TO:

Name

FROM:

FOIA Officer

Address

Auditor General's Office

Address

Phone Number

DESCRIPTION OF REQUESTED RECORD(S):

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

Your request dated _____ for the above-captioned records has been denied.

The materials requested are confidential under the Illinois State Auditing Act (Ill. Rev. Stat. 1991, ch. 15, pars. 303-11 and 306-1) [30 ILCS 5/3-11 and 5/6-11] and implementing Regulations (74 Ill. Adm. Code 420; Subpart G).

The request creates an undue burden on the public body in accordance with Section 3 (f) of The Freedom of Information Act, and we were unable to negotiate a more reasonable request. Compliance with the request would cause an undue burden on the Office of the Auditor General for the following reason(s):

The materials requested are exempt under Section 7 of The Freedom of Information Act for the following reasons:

The individuals who have reached the determination that the records you have requested are to be denied are:

- 1)
- 2)

You have the right to appeal the denial of the records you have requested to the Auditor General by submitting a written notice of appeal to:

~~Honorable Robert G. Crease~~
The Auditor General
Marriott Commerce Building, Room 151
509 South Sixth Street
Springfield, Illinois 62701-1878

In submitting your notice of appeal, you should include copies of your original request and this denial, and state any reason(s) why your appeal should be granted.

FOIA Officer _____

Date _____

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 601.APPENDIX E Partial Approval of Request for Public Records

TO:

Name _____

FROM:

FOIA Officer _____

Address _____

Auditor General's Office _____

Address _____

Phone Number _____

AUDITOR GENERAL

NOTICE OF ADOPTED AMENDMENTS

DESCRIPTION OF REQUESTED RECORD(S):

Your request dated _____ for the above-captioned records has been partially approved. Those parts of your request which have been approved:

_____ are enclosed.
_____ will be made available upon payment of copying costs in the amount of _____.
_____ may be inspected at _____ on _____ Date _____

The following portions of your request have been denied for the reason(s) cited:

The individuals who have reached the determination that the records you have requested are to be partially denied are:

- 1)
- 2)

You have the right to appeal the partial denial of the records you have requested to the Auditor General by submitting a written notice of appeal to:

~~Honorable Robert G. Crease~~
The Auditor General
Marriott Commerce Building, Room 151
509 South Sixth Street
Springfield, Illinois 62701-1878

In submitting your notice of appeal, you should include copies of your original request and this partial denial, and state any reason(s) why your appeal should be granted.

FOIA Officer _____

Date _____

(Source: Amended at _____ Ill. Reg. _____, effective MAY 09 1994)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Relative Home Placements
- 2) Code Citation: 89 Ill. Adm. Code 335
- 3) Section Numbers: Adopted Action:
335.208 New Section
- 4) Statutory Authority: Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5]
- 5) Effective Date of Amendments: September 1, 1994
- 6) Does this rulemaking contain an automatic repeal date: _____ Yes X No
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: May 2, 1994
- 9) Notice of Proposal Published in Illinois Register: May 7, 1993 at 17 Ill. Reg. 6681
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference between proposal and final version: Minor editorial changes requested by the Administrative Code Unit were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Summary and Purpose of These Amendments: When children must be placed in foster care, the first preference of the Department is to place children in the care of relatives, whenever possible. This is usually less traumatic for the children, facilitates contact with the parents, and strengthens the children's sense of family. The vast majority of these relatives are not licensed foster care providers. In order to encourage the relative family's active participation in the approval process, the Department is proposing a two-tier payment approach.

Relatives will receive an initial payment amount at a lesser rate until the basic materials necessary to begin the approval process have been received by the Department. At the point the relative family has submitted the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

materials necessary to begin the required review and approval of the home, the rate will be increased retroactively to the foster care payment amount. These increased payments will become effective on the date the Department placed the child in the relative home.

- 16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
IDD: (217) 524-3715

- 17) The full text of the adopted amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
335.100 Purpose
335.102 Definitions

SUBPART B: PLACEMENT

Section
335.200 Placement Pre-Conditions
335.202 Continuation of Placement
335.208 Payment Provisions

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
335.300 Provisions Pertaining To Approval
335.302 Safety Requirements for the Relative Family Home
335.304 Requirements For Sleeping Arrangements
335.306 Nutrition and Meals
335.308 Business and Employment of Relative Foster Parents (Repealed)
335.310 Qualifications of Related Caretakers
335.312 Background Inquiry
335.314 Health of Relative Family
335.316 Number of Children Served
335.318 Meeting Basic Needs of Related Children
335.320 Health Care of Related Children
335.322 Religion
335.324 Education
335.326 Discipline of Related Children
335.328 Emergency Care of Related Children
335.330 Release of Children
335.332 Confidentiality of Information
335.334 Required Written Consents
335.336 Records To Be Maintained
335.338 Cooperation with the Supervising Agency and the Department
335.340 Severability of This Part

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5].

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

effective July 31, 1993; amended at 18 Ill. Reg. _____, effective September 1, 1994.

SUBPART B: PLACEMENT

Section 335.208 Payment Provisions

- a) Relative caregivers who accept related children for full-time care are eligible for reimbursement for the care provided. Relatives who have accepted children for care on or after the effective date of this Part, but who have not yet submitted to the Department the items necessary to begin the process to become an approved relative family home, shall be reimbursed at the applicable rate for child only cases under the Aid to Families with Dependent Children (AFDC) program. Relatives who have submitted to the Department all of the items necessary to begin the approval process shall be reimbursed at the Department payment rate for regular foster care.
- b) The items necessary to begin the approval process and, therefore, to be eligible for reimbursement at the regular foster care rate are:
- 1) A completed and signed authorization for background check for each adult living in the home;
 - 2) Two sets of completed fingerprint cards for each adult living in the home or a successful fingerprint scan via electronic equipment;
 - 3) A completed application for relative foster home approval which has been signed by the relative applicant(s) along with a completed family home information sheet.
- c) When all of the items in subsection (b) above have been completed, signed and received by the Department, the payments for the related children in care shall be increased to the foster care payment rate appropriate for the ages of children placed in the home with the relative caregiver. This increase shall be effective retroactively to the date that the Department placed the children in the care of the relatives.
- d) If all of the items in subsection (b) above have not been completed, signed, and received by the Department within 90 days of the date the Department placed the children in the care of the relatives, the children shall be moved to an alternative, appropriate placement.

(Source: Added at 18 Ill. Reg. _____, effective September 1, 1994.)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Rules of Practice
- 2) Code Citation: 83 Ill. Adm. Code 200
- 3) Section Numbers: Adopted Action:
200.875 New Section
- 4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 5/10-101].
- 5) Effective Date of Amendment: May 15, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: May 4, 1994
- 9) Notice of Proposal Published in Illinois Register:
December 31, 1993, at 17 Ill. Reg. 22117.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: This amendment establishes a procedure for the receipt of post-record calculations in rate cases.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
 Illinois Commerce Commission
 527 East Capitol Avenue
 P.O. Box 19280
 Springfield, IL 62794-9280
 (217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 200

RULES OF PRACTICE

SUBPART A: GENERAL PROVISIONS

Section

200.10 Procedure Governed
200.20 Construction of This Part
200.25 Standards for Discretion
200.30 Deviation from This Part
200.40 Definitions
200.50 Office
200.60 Open Meetings
200.70 Communications to the Commission
200.80 Computation of Time
200.90 Appearances
200.95 Class Actions Prohibited

SUBPART B: FORM, FILING AND SERVICE OF PLEADINGS

Section

200.100 Contents of Pleadings
200.110 Forms of Pleadings and Documents
200.120 Copies of Pleadings
200.130 Signature and Verification
200.140 Amendments
200.150 Service
200.160 Informal Complaints
200.170 Formal Complaints
200.180 Answers
200.190 Motions
200.200 Intervention
200.210 Petition for Rulemaking

SUBPART C: PREHEARING PROCEDURE AND DISCOVERY

Section

200.300 Prehearing Conferences
200.320 Facts Disclosed Privileged
200.330 Recoordation and Order
200.335 Application of Discovery Rules Contained in Sections
200.340 through 200.430 Policy on Discovery

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

200.345 Discovery by Staff Witnesses
200.350 Reasonable Attempts to Resolve Differences Required
200.360 Depositions and Other Discovery Procedures
200.370 Supervision of Discovery
200.380 Subpoenas
200.390 Motion to Quash Subpoena
200.400 Service and Fees Payable
200.410 Time Limits on Discovery
200.420 Failure to Comply With a Discovery Order or a Subpoena
200.430 Protective Orders

SUBPART D: HEARING PROCEDURE

Section

200.500 Authority of Hearing Examiner
200.505 Recessing Hearing For Conference or Discussion
200.510 Disqualification of Hearing Examiner
200.520 Interlocutory Review of Hearing Examiner's Ruling
200.530 Notice, Time and Place of Hearings
200.540 Recording Appearances at Hearings
200.550 Failure to Appear or to Exercise Diligence in Proceeding

200.560 Continuances
200.570 Order of Procedure and Receiving Evidence
200.580 Transcripts
200.590 Conduct at Hearings
200.600 Consolidation and Severance
200.610 Evidence
200.620 Testimony to be Under Oath or Affirmation
200.625 Examination of Adverse Party or Agent
200.630 Stipulation of Facts
200.640 Administrative Notice
200.650 Records of Other Proceedings
200.660 Prepared Testimony
200.670 Exhibits
200.680 Objections
200.690 Offer of Proof
200.700 Record in Commission Proceedings
200.710 Ex Parte Communications

SUBPART E: POST-HEARING PROCEDURE

Section

200.800 Briefs
200.810 Draft Orders
200.820 Hearing Examiner's Recommended or Proposed Order
200.830 Exceptions; Reply
200.840 Filing of Briefs

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 200.850 Oral Argument
- 200.860 Commission Order
- 200.870 Additional Hearings
- 200.875 Post-Record Data
- 200.880 Rehearing
- 200.890 Appeals
- 200.900 Reopening on Motion of the Commission

AUTHORITY: Implementing and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1995 1991, ch. 111 2/3, par. 10-101)[220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1995 1991, ch. 95 1/2, par. 18c-1202)[625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1995 1991, ch. 95 1/2, par. 18a-200)[625 ILCS 5/18a-200], and Section 10 of the Electric Supplier Act (Ill. Rev. Stat. 1995 1991, ch. 111 2/3, par. 410)[220 ILCS 30/110].

SOURCE: Filed and effective January 15, 1960; codified at 8 Ill. Reg. 18459; old rules repealed and new Part adopted at 9 Ill. Reg. 5627, effective April 15, 1985; emergency amendments at 10 Ill. Reg. 1277, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10481, effective May 30, 1986; amended at ___ Ill. Reg. ___, effective May 15, 1994.

Section 200.875 Post-Record Data

- a) After the record in a proceeding (other than a rule-making) has been marked "heard and taken" but before issuance of a final order by the Commission, the Hearing Examiner may, on his or her own motion or when directed by the Commission, direct any or all of the parties to a case to provide, by a deadline to be set by the Examiner, calculations and other numerical analyses of data that are related to evidence already in the record or the rate levels or rate structures being considered by the Commission and where, in the judgment of either the Examiner or the Commission, such calculations and analyses are necessary for the Commission to determine final rate levels or rate structures in the case. This directive shall be served on all parties to the case, and the parties shall be given an opportunity to reply in writing to any response made to the directive. The Examiner shall establish an expedited schedule for all such responses and replies in light of the procedural schedule of the proceedings and any time constraints thereon imposed by statute or rule. All such responses and replies shall be served on all parties and, where verified by the filing

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

party, shall be incorporated into the record of the case as a form of late-filed exhibit.

- b) All calculations and numerical analyses requested in accordance with subsection (a) above shall be requested and offered for the purpose of determining final rate levels or rate structures and for no other purpose.

- c) Nothing in this Section shall be construed to limit the discretion of the Hearing Examiner or Commission, for good cause shown, to consider late-filed exhibits for admission into evidence.

(Source: Added at ___ Ill. Reg. ___, effective May 15, 1994)

COMPTROLLER

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Transfers Between Accounts Within a Fund Held by the State Treasurer
- 2) Code Citation: 74 Ill. Adm. Code 275
- 3) Section Numbers: Proposed Action:
275.10 New
- 4) Statutory Authority: 15 ILCS 405/9.01
- 5) Effective Date of Rule(s) (Amendments, Repealer): May 6, 1994
- 6) Does this rulemaking contain an automatic repeal date?
Yes No X
If so, please specify date: _____
- 7) Does this rule contain incorporation by reference? No
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking? Not Applicable
- 8) Date filed in Agency's Principle Office: May 6, 1994
- 9) Notice(s) of Proposal Published in Illinois Register:
February 4, 1994, 18 Ill. Reg. 1664
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) rules? No. If answer is "yes" please complete the following:
 - A) Statement of Objection: _____, _____, _____,
Ill.Reg. _____. (issue date)
 - B) Agency Response: _____, _____, _____,
Ill.Reg. _____. (issue date)
 - C) Date Agency Response Submitted for Approval to JCAR:
Not Applicable

- 11) Difference(s) between proposal and final version: In response to comments by the Secretary of State, Administrative Code Division, and the Joint Committee on Administrative Rules, several changes in punctuation were made, but none of the changes were substantive.

COMPTROLLER

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable
- 13) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
Sections Numbers: Proposed Action:
Illinois Register Citation: Not Applicable
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): These rules allow the Comptroller to transfer money from one account within a fund held by the State Treasurer to another account within a fund held by the State Treasurer without the issuance of a warrant. The rules describe when the Comptroller may transfer money, provide for the Treasurer's approval of such transfer, describe the necessary reporting of the transfers by the Comptroller to the Treasurer and the other affected State agencies, prescribe the requisite documentation of the transfer and provide for consolidation accounts within the Comptroller's Office.
Transfers will be used initially for State income tax withheld from State employees and then later for other transfers between accounts within a fund held by the State Treasurer. The State Treasurer will be consulted before any additional applications are initiated.
- 16) Information and questions regarding this adopted rule (amendment, repealer) begins on the next page:
Name: Kim L. Kirn
Address: Office of the Comptroller, Room 201
State Capitol, Springfield, Illinois 62706
Telephone: (217) 782-6000

The full text of the Adopted Rules begin on the next page:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLERPART 275
TRANSFERS BETWEEN ACCOUNTS WITHIN A FUND HELD BY THE STATE
TREASURER

Section 275.10 Transfers Between Accounts within a fund held by the State Treasurer

AUTHORITY: Implementing Section 9.01 of the State Comptroller Act [15 ILCS 405/9.01].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2119, effective January 19, 1994 for a maximum of 150 days; adopted at 18 Ill. Reg. _____, effective MAY 06 1994.

Section 275.10 Transfers Between Accounts within a Fund Held by the State Treasurer

a) For purposes of this Part, the term "transfer" is defined to be a financial transaction that results in the recording of a payment from an expenditure account and a deposit to a receipt account without the use of a warrant. "Transfers" under this Part shall not include statutorily mandated transfers between accounts within the State Treasury which are not revenues or expenditures to the receiving or disbursing accounts. The term "fund" is defined as a self balancing group of accounts against which all financial activity of the State is reported. One or more accounts may exist within a fund.

b) The Comptroller may transfer money between accounts within a fund held by the State Treasurer or may transfer money from one account in a fund held by the State Treasurer to another account in a different fund held by the State Treasurer without issuance of a warrant, if:

- 1) the Comptroller has received a properly completed voucher requesting payment from an account within a fund held by the State Treasurer;
- 2) an available balance exists in the fund from which the money is to be transferred;
- 3) for appropriated accounts, an unexpended balance exists in the appropriation account;

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- 4) the transfer involves one or more State agencies exclusively;
- 5) the Treasurer approves the transfer; and
- 6) the transfer is otherwise pursuant to law and authorized.

c) In determining when to use a new application of the transfer authority the Comptroller shall consider the following criteria:

- 1) federal statute or regulation and state statute or regulation requiring or encouraging the use of transfers;
- 2) the amounts of the transfers;
- 3) the frequency of the transfers;
- 4) the ability of the one or more State agencies administering the account to which the money is credited to properly account for the transfer;
- 5) the fiscal savings to the State resulting from the transfer;
- 6) the added efficiency and security to the State's fiscal operations resulting from the transfer; and
- 7) reduction in paperwork and processing time.

d) Before beginning any new application of the transfer authority, the Comptroller will notify and consult with the one or more State agencies administering the account to which the money is credited and the Treasurer at least 30 days before initiating the new application.

e) The Treasurer's approval of the transfers within the State Treasury shall be deemed to be given when the Treasurer accepts and records the account activity provided by the Comptroller resulting from the transfers. The Comptroller and Treasurer shall coordinate efforts to reconcile any discrepancies made in the transfer process to mutually resolve the validity of the transfer.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
 113.253 Amendment
 113.260 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 5, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 5, 1994
- 9) Notice of Proposal Published in Illinois Register:
 December 27, 1993 (17 Ill. Reg. 21982)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: In Section 113.260, the Needs Assessment amount for 20 has been changed from "\$792.55 to '\$729.55."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.113	Amendment	March 25, 1994 (18 Ill. Reg. 4562)
113.141	Amendment	March 25, 1994 (18 Ill. Reg. 4562)

- 15) Summary and Purpose of Amendments: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the SSI increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care rate amounts by the amount of the increase in Social Security and Supplemental Security Income (SSI) benefits to

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- f) The Comptroller shall provide information on the transfers on a timely basis to the State Treasurer, the one or more State agencies administering the account to which the money is credited and other State agencies, as requested. Such information may include the amount of the transfer, the date of the transfer, the voucher number requesting the transfer, the appropriation account code, the receipt account code and other relevant information relating to the transfer, as requested.
- g) The Comptroller shall not include transfers made pursuant to this Part in the monthly report prepared by the Comptroller and sent to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives of all transfers made between funds in the State Treasury during the month in accordance with Section 5f of the State Finance Act, entitled Transfers-Reports. [30 ILCS 105/5f]
- h) The Comptroller shall retain documentation of approval of all transfers by the Comptroller and Treasurer by fulfilling its record-keeping duties under the State Comptroller Act, the State Records Act and other statutes.
- i) As an internal administrative step, the Comptroller may consolidate transfers or warrants into one transfer or one warrant by use of a separate fund established solely for the purpose of consolidation. Such internal transfers may be accomplished without a written voucher.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

ensure that the cost of living increase is passed on to the recipient. This increase will be received in the January 1994 SSA/SSI checks. Persons receiving both SSA and SSI will receive a total increase of 2.6% for both benefits. However, the \$30 SSI benefits for persons in long term care facilities remains the same.

As a result of these amendments, beginning January 1994, the grant adjustment and the sheltered care rates are increased by \$12.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	
113.1	Description of the Assistance Program
113.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/3 and 12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 17995; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. _____, effective May 5, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

a) An allowance for \$255.90 \$267.90 is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.

b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 18 Ill. Reg. _____, effective May 5, 1994)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ 652.55	0-7	\$ 664.55
657.55	8	670.55
662.55	9	676.55
667.55	10	682.55
672.55	11	688.55
677.55	12	694.55
682.55	13	700.55
687.55	14	706.55

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 113.260 (continued)

Group II Counties	Needs Assessment	Group III Counties
692.55	15	712.55
697.55	16	718.55
702.55	17	724.55
707.55	18	730.55
712.55	19	736.55
717.55	20	742.55
722.55	21	748.55
727.55	22	754.55
732.55	23	760.55
737.55	24	766.55

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 18 Ill. Reg. _____, effective May 5, 1994)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
100.2470 New Section
- 4) Statutory Authority: 35 ILCS 5/101 et seq.
- 5) Effective Date of Amendment(s): **MAY 0 4 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: **MAY 0 4 1994**
- 9) Notice of Proposal Published in Illinois Register: 12/10/93, Issue #50, 17 Ill. Reg. 21163
- 10) Has ICAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
In response to a suggestion of the Index Division of the Secretary of State, the following changes were made to the rulemaking:
 1. The headings on all Illinois Register pages was changed to "NOTICE OF ADOPTED AMENDMENTS" instead of "RULES."
 2. In Section 100.2470(d) "Sections (b) and (c)" were changed to "subsections (b) and (c)."
 3. In Section 100.2470(i) "Section (f) above" was changed to "subsection (f) above."
 In response to public comment, Section 100.2470(c)(6), line 2 was amended to insert the word "such" between the words "other" and "obligations."

The following changes were made in response to review of the Joint Committee on Administrative Rules:

 1. In Section 100.2250 in the Table of Contents "19865" was changed to "1986."

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

2. The Table of Contents was amended to add "100.3400 Allocation of Compensation Paid to Nonresidents (IIA Section 302)."
3. In the Table of Contents "Appendix A: Business Income of Persons Other Than Residents" was taken out of all capital letters.
4. In line 3 of the Main Source Note the comma after the second "1981" was replaced with a semi-colon.
5. In the sixth line from the bottom of the Main Source Note the date "June 1, 1993" was changed to "June 2, 1993."
6. In Section 100.2470(b) a comma was added between "obligation(s)" and "from."
7. In Section 100.2470(c)(6), line 2, the word "such" was added between "other" and "obligations."
8. In Section 100.2470(f) the "g" in the word "governments" was placed in lower case.
9. In Section 100.2470(f), the first word "are" in the last sentence was changed to "is."
10. In Section 100.2470(f)(2) the citation to the Illinois Revised Statutes was corrected to read; "ch. 127, par. 2513."
11. In Section 100.2470(f)(7) the word "Law" was changed to "Act" and the citation to the Illinois Compiled Statutes was changed to read "[110 ILCS 947] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997)."
12. In Section 100.2470(f)(8) the word "Abatement" was capitalized.
13. In Section 100.2470(f)(11) the word "Section" was replaced with "Sections."
14. In Section 100.2470(g)(3) the phrase "subsection (b)(2) of this Section" was replaced with "Section 8-508.1(b)(2) of the Public Utilities Act."
15. In Section 100.2470(h)(1) line 5 the comma was deleted from between "112" and "Ill.2d."
- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): Sections 203(a)(2)(N), 203(b)(2)(I), 203(c)(2)(K) and 203(d)(2)(G) of the Illinois Income Tax Act allow the subtraction from base income of amounts exempt from taxation by virtue of Illinois law, the Illinois or U.S. Constitutions, or by reason of U.S. treaties or statutes. This rulemaking sets forth the scope of this subtraction modification.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats
 Senior Counsel - Income Tax
 Illinois Department of Revenue
 Legal Services Bureau
 101 West Jefferson
 Springfield, Illinois 62708
 Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
 CHAPTER I: DEPARTMENT OF REVENUE
 PART 100
 INCOME TAX

SUBPART A: TAX IMPOSED

Section
 100.2000 Introduction
 100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
 100.2100 Investment Credit

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
 OCCURRING PRIOR TO DECEMBER 31, 1986

Section
 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
 DECEMBER 31, 1986

Section
 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

December 31, 1996
 100.2310 Computation of the Illinois Net Loss Deduction
 100.2320 Determination of the Amount of Illinois Net Loss
 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers
 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
 100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G)).

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section
 100.3000 Terms Used in Article 3 (IITA Section 301)
 100.3010 Business and Nonbusiness Income (IITA Section 301)
 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
 100.3100 Compensation (IITA Section 302)
 100.3110 State (IITA Section 302)
 100.3120 Allocation of Compensation Paid to Non-Residents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
 100.3200 Taxability in Other State (IITA Section 303)
 100.3210 Commercial Domicile (IITA Section 303)
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
 100.3350 Property Factor (IITA Section 304)
 100.3360 Payroll Factor (IITA Section 304)
 100.3370 Sales Factor (IITA Section 304)
 100.3380 Special Rules (IITA Section 304)
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
 100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section
 100.5100 Composite Returns: Eligibility
 100.5110 Composite Returns: Responsibilities of Authorized Agent
 100.5120 Composite Returns: Individual Liability
 100.5130 Composite Returns: Required forms and computation of Income
 100.5140 Composite Returns: Estimated Payments
 100.5150 Composite Returns: Tax, Penalties and Interest
 100.5160 Composite Returns: Credit for Resident Individuals
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

Section

100.5200 Election to File a Combined Return
 100.5210 Procedure for Making the Election
 100.5220 Designated Agent for the Members
 100.5230 Combined Estimated Tax Payments
 100.5240 Claims for Credit of Overpayments
 100.5250 Liability for Combined Tax, Penalty and Interest
 100.5260 Combined Amended Returns
 100.5270 Computation of Combined Income and Tax
 100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

100.7330
 100.7340

Payment of Tax Deducted and Withheld (IITA Section 704)
 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)
 100.9010 Collection Authority (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)
 100.9410 Limitations on Claims for Refund (IITA Section 911)
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)
 100.9510 Taxpayer Representation and Practice Requirements
 100.9520 Conduct of Investigations and Hearings

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100 Withholding Exemption (IITA Section 702)
 100.7110 Withholding Exemption Certificate (IITA Section 702)
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
 100.7320 Time for Filing Returns (IITA Section 704)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART AA: JUDICIAL REVIEW

Section 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section 100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents
TABLE A Example of Unitary Business Apportionment
TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1-101 et seq.) [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 14-1401) [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. _____, effective MAY 04 1994.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

a) Taxpayers are entitled to subtract from adjusted gross income an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its Constitution or by reason of the Constitution, treaties or statutes of the United States (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (See subsection (f), below).

b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States. Government, as well as the interest on the obligation(s), from state income taxation (See 31 U.S.C.A. 3124(a)).

1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." Smith v. Davis (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. Society for Savings v. Bowers (1955) 349 U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. Hibernia v. City and County of San Francisco (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

A) Tax-exempt credit instruments possess the following characteristics:

- i) they are written documents,
- ii) they bear interest,
- iii) they are binding promises by the United States to pay specified sums at specified dates, and
- iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. Smith v. Davis, supra.

B) A governmental obligation that is secondary, indirect, or

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 U.S.C. Section 3124(l). Rockford Life Ins. Co. v. Department of Revenue, 107 S. Ct. 2312 (1987).

2) Based on the above, the following types of income are exempt under 31 U.S.C.A. Section 3124(a):

- A) Interest on U.S. Treasury bonds, bills, certificates, and savings bonds.
- B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and L.

c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

- 1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 U.S.C.A. 2134).
- 2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 U.S.C.A. 713a-5).
- 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 U.S.C.A. 2278b-10(b)).
- 4) Federal Deposit Insurance Corporation - Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 U.S.C.A. 1825).
- 5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 U.S.C.A. 2153 by Banks of the Federal Farm Credit System (12 U.S.C.A. 2023; 12 U.S.C.A. 207; 12 U.S.C.A. 2098; and 12 U.S.C.A. 2134).
- 6) Federal Home Loan Banks - Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan Bonds and debentures (12 U.S.C.A. 1433).
- 7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 U.S.C.A. 2079).
- 8) Federal Land Banks and Federal Land Bank Association - Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 U.S.C.A. 2055).
- 9) Federal Savings and Loan Insurance Corporation - Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 U.S.C.A.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

1725(e)).

- 10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 U.S.C.A. 1441(e)(8)).
- 11) General Insurance Fund
 - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 U.S.C.A. 1739(d)); or
 - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 U.S.C.A. 1747g(g)); or
 - C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 U.S.C.A. Section 1748b(f)).
- 12) Guam - Interest derived from bonds issued by the government of Guam (48 U.S.C.A. 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund - Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 U.S.C.A. 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 14) National Credit Union Administration Central Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 U.S.C.A. 1795K(b)).
- 15) Production Credit Association - Income from notes, debentures, and other obligations issued by Production Credit Association (12 U.S.C.A. 2098).
- 16) Puerto Rico - Interest derived from bonds issued by the Government of Puerto Rico (48 U.S.C.A. 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 U.S.C.A. 231m). Please be sure to use the line specified on your Illinois return for this item.
- 18) Railroad Unemployment Insurance Act - Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 U.S.C.A. 352(e)).
- 19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 U.S.C.A. 1441b(f)(7)(A)).
- 20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 U.S.C.A. 1760(e)).
- 21) Student Loan Marketing Association - Interest derived from

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

obligations issued by the Student Loan Marketing Association (20 U.S.C.A. 1087-2(h)(22)).

22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 U.S.C.A. 831n-4(d)).

23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 U.S.C.A. 2005(d)(4)).

24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 U.S.C.A. 1574(b)(1)(A)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c) above, even if the obligations are owned indirectly through owning shares in a mutual fund.

1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.

2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.

3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.

e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.

f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.

1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) (20 ILCS 3805/31).

2) Bonds authorized pursuant to the Export Development Act of 1933

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

(former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).

3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) (20 ILCS 3505/7.61).

4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines (70 ILCS 510/13 and 510/15).

5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act (110 ILCS 920/7).

6) Bonds issued by the Illinois Sports Facilities Authority (White Sox Bonds) (70 ILCS 3205/15).

7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act (110 ILCS 947) transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).

8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act (20 ILCS 3510/8).

9) Bonds and notes issued under the Rural Bond Bank Act (30 ILCS 360/3-12).

10) Income earned on investments made pursuant to the Home Ownership Made Easy Program (310 ILCS 55/5).

11) Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act (20 ILCS 3505/7.86).

12) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under Section 30-15.8a (105 ILCS 5/30-15.8a).

g) Other income exempt from Illinois income taxation by reason of Illinois statute:

1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act (815 ILCS 390/16). Section 15(f) of the Illinois Pre-Need Cemetery Sales Act provides that: because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.

2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act (110 ILCS 935/4.10).

3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act (220 ILCS 5/8-508.1). The terms "decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]

b) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:

- 1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities" issued by approved issuers under 12 U.S.C.A. 1721(g) and guaranteed by GNMA under 12 U.S.C.A. 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E.2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 U.S.C.A. 1719(d) and guaranteed by GNMA under 12 U.S.C.A. 1721(g).

- 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).

- 3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.

- i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois base income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is not in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) above is in this category.

(Source: MAY 04 1994 18 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Business Corporation Act

- 2) Code Citation: 14 Ill. Adm. Code 150

- 3) Section numbers: 150.470
Adopted Action:
Amendment

- 4) Statutory Authority: Implementing and authorized by the Business Corporation Act of 1983 (805 ILCS 5)

- 5) Effective Date of Amendment: May 15, 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 3) Date Filed in Agency's Principal Office:

- 3) Notice of Proposal Published in Illinois Register:

18 Ill. Reg. 1793, February 4, 1994

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version:

1. Deleted the Ill. Rev. Stat. citations.

2. Inserted "SUBPART D." heading prior to the Section.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency rule amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules:

Removes restrictions on use of certain words in corporation names as result of an amendment to the Business Corporation Act effective January 1, 1994 and adds additional words restricted by other statutes.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
 Assistant Counsel
 Secretary of State's Office
 298 Howlett Building
 Springfield, Illinois 62756

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
 SUBTITLE A: REGULATION OF BUSINESS
 CHAPTER I: SECRETARY OF STATE

PART 150
 BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section	Applicability
150.10	Definitions
150.20	Right to Counsel
150.30	Appearance of Attorney
150.40	Special Appearance
150.50	Substitution of Parties or Attorneys
150.60	Commencement of Action; Notice of Hearing
150.70	Motions
150.80	Form of Papers
150.90	Conduct of Hearings
150.100	Record of Hearings
150.110	Invalidity
150.120	

SUBPART B: SALE AND RELEASE OF INFORMATION

Section	Annual List of Corporations
150.200	Monthly List of Corporations
150.210	Daily List of Corporations
150.220	Computer Access to Information
150.230	Abstracts of Corporate Record
150.240	Invalidity
150.250	

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS,
 OBJECTIONS, AND OTHER RELIEF

Section	Errors or Defects
150.300	Financial Data as Support Documentation
150.305	Invalidity
150.310	

SUBPART D: NAMES

Section	Preliminary Determination of Availability
150.400	Final Determination of Availability
150.405	

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

150.410 Response as to Basis of Unavailability
 150.415 Reconsideration Procedure
 150.420 Effect of Final Determination
 150.425 Applicability
 150.430 Availability of Names: Statutory Requirements
 150.435 Standards - Conflicting Names
 150.440 Distinguishable - Defined
 150.445 Matters not Considered
 150.450 Significant Differences
 150.455 Surnames
 150.460 Alphabet Names
 150.465 Government Affiliation
 150.470 Restricted and Professional Words
 150.475 Acceptable Characters of Print
 150.480 Invalidity

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
 150.500 Preamble
 150.510 Manner of Service
 150.520 Place of Service
 150.530 Payment of Fees
 150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section
 150.600 Payment of Fees, Franchise Tax and License Fee
 150.610 Definitions
 150.620 Annual Report
 150.621 Confidentiality of Annual Report Financial Data
 150.630 Shares Having a Par Value
 150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
 150.700 Interpretive Comments Applicable Generally
 150.705 Paid-in Capital
 150.710 Advice to the Public
 150.720 Incorporating Licensed Professionals

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 (805 ILCS 5)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. _____, effective May 15, 1994.

NOTE: Statutory language is denoted by capital letters

SUBPART D: NAMES

Section 150.470 Restricted and Professional Words

a) Words which are subject to restrictions on their use in a corporate name include, but are not limited to, the following and any variation thereof: Trust, Pawners, Cooperative, Housing, Architecture, Engineering, Accounting, Insurance, Medicine, Law, Band, Surveying, Psychology, Bank, Bankers, Banking, Union, Surety, Underwriters, Assurance, Reinsurance, Indemnity, Casualty, Guaranty, Guarantee, Guarantor, Trustee and Fiduciary or any other prohibited ~~term~~ business or any licensed professional services.

b) However, "Banks", "Banker", or "Banking" may be used in a corporate name if, at the time of filing of the articles of incorporation, application for certificate of authority by a foreign corporation, or an amendment to either of these documents to change the corporate name, the corporation or incorporators give the Department a letter signed by the Commissioner of Banks and Trusts of Illinois granting permission to use these words, pursuant to the standards set forth in the Illinois Banking Act, Section 46. {205 ILCS 5/46}.

1) The corporation using any of these aforementioned words must not be engaged in the banking business, but may be a bank holding company.

2) The use of these words shall be allowed if the corporation is not doing financial business and the otherwise prohibited word is a person's proper name, e.g. "Robert Banks".

c) The Department will prohibit the incorporation of corporations which seek to use names or have purposes which violate Section 3.05 and 4.05(a)(2) of the Act. This prohibition does not apply to names or purposes specifically authorized by these rules.

(Source: Amended at 18 Ill. Reg. _____, effective May 15, 1994)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers Adopted Action

1060.5	Amendment
1060.10	Amendment
1060.20	Amendment
1060.30	Amendment
1060.40	Amendment
1060.50	Amendment
1060.60	Amendment
1060.70	Amendment
1060.80	Amendment
1060.90	Amendment
1060.100	Amendment
1060.110	Amendment
1060.120	Amendment
1060.130	Amendment
1060.140	Amendment
1060.150	Amendment
1060.160	Amendment
1060.170	Amendment
1060.180	Amendment
1060.190	Amendment
1060.200	Amendment

4) Statutory Authority: Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95, 1/2, par. 4-401 et seq.) [625 ILCS 5/Ch. 6, Art. IV] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95, 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

5) Effective Date of Amendments: MAY 09 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: MAY 09 1994

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 142 (January 7, 1994).

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

At the direction of the Administrative Code Unit of the Office of the Secretary of State, the following changes were made:

- 1) In the Table of Contents: Section 1060.120 was changed to reflect the heading of the Section in the text.
 - 2) The main source note was updated to reflect "18 Ill. Reg."
 - 3) At Section 1060.10, the subsection labels, "b, c, and d" were changed to "c, d and e".
 - 4) At Section 1060.40 the last phrase ", the applicant shall be notified of the grounds for denial" which had been previously omitted, was reinserted then stricken out.
 - 5) At Section 1060.60(a), the last statement "If records of the driver training school are kept on a computer, a hard copy MUST be retained for inspection purposes." was underlined as new language.
 - 6) At Section 1060.120(a) the words "or shall deny, cancel, suspend or revoke" was underlined as new language.
 - 7) At Section 1060.130(b), the new language was underlined.
 - 8) The labels and new language were changed for Sections 1060.190(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q).
 - 9) At Section 1060.200 (b)(1)(D) the words "subsection 1060.200(b)(1)(A)" were changed to "subsection (b)(1)(A) above".
- At the direction of the Joint Committee on Administrative Rules, the following changes were made:

- 1) In line 3 of the Source note, the cite "[5 ILCS 100/5]" was changed to "[5 ILCS 100/5-80(d)]".
- 2) In line 5 of the Source note, the cite "[625 ILCS 5/6]" was changed to "[625 ILCS 5/6-411]".
- 3) At Section 1060.5, line 6 of the definition of "Branch Office", the cite "[625 ILCS 5/6]" was changed to "[625 ILCS 5/6, Art. IV]".
- 4) At Section 1060.5, line 2 of the definition of "Business Day", the second word "State" was initially capitalized.
- 5) At Section 1060.5, line 2 in the definition of "Commercial Driver's License (CDL)", the word "state" was changed to lower case and the text of the paragraph was italicized.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 6) At Section 1060.5, line 6, the cite was corrected to "[625 ILCS 5/6-418]" and underscored.
- 7) At Section 1060.10(a), line 4, the comma was deleted before the word "shall".
- 8) At Section 1060.10(a), line 5, after the words "in compliance with", the language was changed to "Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code" and the proper cite was inserted.
- 9) At Section 1060.20(e), line 3, the parentheses were removed from "\$10,000" and from "underwritten by a company authorized to do business in the State of Illinois".
- 10) At Section 1060.20(h), "prior to making application" was added at the end of the new language.
- 11) At Section 1060.50(b)(1), the word "and," was deleted from the new language.
- 12) At Section 1060.70(g), line 4, the word "twenty-five" was deleted from the new language and the parentheses were removed from the figure "25".
- 13) At Section 1060.130(a)(2), line 3, the word "eighty-five" was deleted from the new language and the parentheses were removed from the figure "85".
- 14) At Section 1060.180(a)(1), line 3, the phrase "Section 6-401 et seq." was deleted and replaced with "Article IV of the Illinois Driver Licensing Law" and the proper cite was placed at the end of the language.
- 15) At Section 1060.180(d)(1), line 6, the phrase "are complied with" was moved before the citation.
- 16) At Section 1060.180(e)(1), line line 4, the phrase "are complied with" was moved before the citation.
- 17) At Section 1060.180(f)(1), line 4, the phrase "are complied with" was moved before the citation.
- 18) At Section 1060.190(q), line 4, immediately after the phrase "as found in", the phrase "Section 1060. et seq. and Section 6-401 et seq." were deleted; then the phrase "this Part and Article IV" was added.
- 19) At Section 1060.200(b), line 3, immediately after the phrase "as prescribed in", the phrase "Article IV of the Illinois Driver Licensing Law of" was added; then the proper cite was added.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes
- 13) Will this rule replace any Emergency Rule(s) currently in effect? No
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and Purpose of Rule: This proposed rulemaking amends the entire Commercial Driver Training Schools, Part 1060 to bring all of the sections into compliance with current federally mandated laws and the Illinois Vehicle Code within the Illinois Compiled Statutes.
- 16) Information and answers to questions regarding this Adopted Rule should be directed to:
 Mark A. Novak
 Assistant Counsel to the Secretary
 2701 S. Dirksen Parkway
 Springfield, IL 62723
 Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060

COMMERCIAL DRIVER TRAINING SCHOOLS

- Section
1060.5 Definitions
1060.10 Unlicensed Person May Not Operate Driver Training School
1060.20 Requirements for School Licenses
1060.30 Driver Training School Names
1060.40 Refund of Application Fees
1060.50 School Locations and Facilities
1060.60 Driver Training School Student Instruction Record
1060.70 Driver Training School Course of Instruction
1060.80 Driver Training School Contracts
1060.90 Inspection of School Facilities
1060.100 Licenses
1060.110 Safety Inspection of Driver Training School Motor Vehicles
1060.120 Additional Requirements of Applicants for to Obtain and Retain a Driver Training Instructor's License
1060.130 Examination for Driver Training Instructor
1060.140 Temporary Permit
1060.150 Driver Training School Responsibility for Employees
1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170 Hearings
1060.180 Teen Accreditation
1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 6-401 et seq.) [625 ILCS 5/6-411] and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, Ch. 95 1/2, par. 6-411) [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. _____, effective **MAY 09 1994**.

Section 1060.5 Definitions

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

For purposes of this Part, the following definitions shall apply:

"Branch Office" - an office of a Commercial Driver Training School in a distinct location from the main office, but which conducts business under the name and as a part of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 6-401 et seq.) [625 ILCS 5/6, Art. IV] and which meets the requirements of Sections 1060.6050 through 1060.6070 of this Part.

"Business Day" - any day on which the Office of the Secretary of State Commercial Driver School Division is open; Monday through Saturday, excluding State holidays.

"Cancellation" - the annulment of termination by formal action of the Secretary of a driver training school's license or a driver training school instructor's license because of some error or defect in the license or because the licensee is in some form of violation of any of the requirements in the Illinois Vehicle Code or Illinois Administrative Code, which annulment or termination shall not be subject to renewal or restoration except that an application for a new license shall be presented and acted upon by the Secretary after the licensee demonstrates compliance with the provisions of this Part for which the cancellation was issued.

"CDL and/or Endorsement Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to students who wish to obtain a CDL and/or endorsement.

"CDL Study Guide" - a study guide compiled by the Secretary of State from information contained in the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 1-100 et seq.) [625 ILCS 5] and 49 CFR 383, which is designed to aid drivers in preparing for a CDL examination.

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 6-500(3)) [625 ILCS 5/6-500(3)].

"Commercial Driver Training School" - an entity licensed by the Secretary of State to engage in the business of giving instruction for a fee in the driving of motor vehicles or in the

NOTICE OF ADOPTED AMENDMENT(S)

preparation of an applicant for examination given by the Secretary of State for a driver's license or permit/ (11/1 Rev/ \$14/ 1987/ ch/ \$5 1/2/ pat/ \$1401/ [625 ILCS 5/6-401].

"Commercial Driver Training Section" - a unit of the Department of Driver Services which oversees the licensing of commercial driving schools and the instructors in commercial driver training schools.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more/ or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 392.1/ or any combination of vehicles with a GVWR of 26,001 pounds or more/ provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more/ or a vehicle designed to transport 16 or more persons/ or a vehicle transporting hazardous materials that is required to be placarded/ The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code (11/1 Rev/ Stat/ 1987/ ch/ \$5 1/2/ pat/ 1-169) when operated primarily for personal use/ military vehicles being operated by non-civilian personnel/ or firefighting equipment owned or operated by or for a governmental entity/ a vehicle as defined in Section 6-500 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-500].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enhanced Instruction Report" - a report submitted on a form prescribed by the Department showing the name, address, and number of behind-the-wheel instruction periods taken for every student who has had twenty-five (25) hours of behind-the-wheel instruction.

"Fraud" - willful misrepresentation regarding a school/ an instructor/ or the results of completing the course includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

NOTICE OF ADOPTED AMENDMENT(S)

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce/ (49 U.S.C.A. 1802/).

"Instruction Record" - records kept by the instructor to reflect the number of hours a pupil in a Commercial Driver Training School attends behind-the-wheel and classroom instruction as provided in Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (11/1 Rev/ Stat/ 1987/ ch/ \$5 1/2/ pat/ \$1418/ [625 ILCS 5/6-418].

"Main Office" - the primary office of the Commercial Driver Training School which is designed solely for conducting the business of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

"Misrepresentation" - a false statement of a substantive fact, or any conduct which leads to a belief of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead.

"Physical Facilities" - the building and items which constitute part of the building, including the telephone and the furniture.

"Restriction" - requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Revocation" - the termination by formal action of the Secretary of a commercial driver training school's license or a commercial driver training school instructor's license, which termination shall be subject to renewal or restoration identical to the provisions for revocation of a driver's license as provided in Section 1-176 of the Illinois Vehicle Code/ (11/1 Rev/ Stat/ 1987/ ch/ \$5 1/2/ pat/ 1-176/ [625 ILCS 5/1-176].

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (11/1 Rev/ Stat/ 1987/ ch/ \$8/ pat/ 12-13/ [720 ILCS 5/12-13], aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (11/1 Rev/ Stat/ 1987/ ch/ \$8/ pat/ 12-14/ [720 ILCS 5/12-14], criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (11/1 Rev/ Stat/ 1987/ ch/ \$8/ pat/ 12-15/ [720 ILCS 5/12-15], aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (11/1 Rev/ Stat/ 1987/ ch/ \$8/ pat/ 12-16/ [720 ILCS 5/12-16], juvenile pimping (Section 11-19/1 of

NOTICE OF ADOPTED AMENDMENT(S)

the Criminal Code of 1961 (III. Rev. Stat. 1987, Ch. 38, par. 11-19.1)(720 ILCS 5/11-19.1); soliciting for a juvenile prostitute (Section 11-13.1 of the Criminal Code of 1961 (III. Rev. Stat. 1987, Ch. 38, par. 11-13.1)(720 ILCS 5/11-13.1), unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 14-01 of the Criminal Code of 1961 (III. Rev. Stat. 1987, Ch. 38, par. 14-01)(720 ILCS 5/14-01), sale, delivery or exchange of instruments used for illegal drug use or abuse (Section 24-31 of the Criminal Code of 1961 (III. Rev. Stat. 1987, Ch. 38, par. 24-31)(720 ILCS 5/24-31), delivery of a controlled substance which includes counterfeit and look alike substances (Section 14-07.1 of the Illinois Controlled Substances Act (III. Rev. Stat. 1987, Ch. 38, par. 14-07.1)(720 ILCS 5/14-07.1), manufacture or delivery of cannabis (Section 7-03 of the Illinois Controlled Substances Act (III. Rev. Stat. 1987, Ch. 38, par. 7-03)(720 ILCS 5/7-03), delivery of cannabis (Section 7-07 of the Illinois Controlled Substances Act (III. Rev. Stat. 1987, Ch. 38, par. 7-07)(720 ILCS 5/7-07), the production of the cannabis plant (Section 7-08 of the Illinois Controlled Substances Act (III. Rev. Stat. 1987, Ch. 38, par. 7-08)(720 ILCS 5/7-08), the illegal possession in a motor vehicle of any controlled substance or any cannabis (III. Rev. Stat. 1987, Ch. 38, par. 7-12, par. 7-12.1, par. 7-12.2)(625 ILCS 5/6-206(a)(28)), the criminal transmission of HIV (720 ILCS 5/12-16.2), exploitation of a child (720 ILCS 5/11-19.2), controlled substance trafficking (720 ILCS 5/11-19.2), cannabis trafficking (720 ILCS 5/50/5.1), delivery of cannabis on school grounds (720 ILCS 5/50/5.2), calculated criminal cannabis conspiracy (720 ILCS 5/50/9), calculated criminal drug conspiracy (720 ILCS 5/70/405), and criminal drug conspiracy (720 ILCS 5/70/405.1).

"Short Review Course" - a course offered by Commercial Driver Training Schools to pupils who have previously held or currently hold a valid driver's license and which does not meet the requirement of six (6) hours of classroom instruction and six (6) hours behind-the-wheel instruction.

"Surety Bond" - a written obligation whereby another person assumes liability for another's debts or defaults of obligation.

"Suspension" - the procedures for temporary withdrawal of a commercial driver training school's license or commercial driver training school instructor's license identical to the provisions for the suspension of a driver's license as provided in Section 1-204 of the Illinois Vehicle Code (III. Rev. Stat. 1987, Ch. 95, 1-2/ par. 1-204)(625 ILCS 5/1-204).

NOTICE OF ADOPTED AMENDMENT(S)

"Teen Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to teenage pupils under age eighteen.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.10 Unlicensed Person May Not Operate Driver Training School

a) When an application is submitted for an original driver training school license, of driver training instructor's licenses, as applicant shall have the authority to continue to conduct business as a driver training school or act as a driver training instructor until the renewal application is granted or denied by the Department; provided the renewal application is properly filed with the Department no later than December 21st of the current license year; whenever a person, firm, group, association or corporation acquires control, management or assets of any driver training school presently licensed by the Department, the license of that driver training school shall terminate on the date of acquisition; said school shall not operate or conduct any business as a driver training school until the acquiring party has been licensed by the Department for that license; The application for said license shall be made in the same manner as an application for an original driver training school license; said application may be submitted prior to the acquisition of control, management or assets; provided a letter of intent to acquire control, management or assets accompanies the application; no license shall be issued until the acquiring party has completed with Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code and all rules provided herein;

b) When an application is made for the renewal of an existing driver training school license or driver training instructor's licenses, the applicant shall have the authority to continue to conduct business as a driver training school or act as a driver training instructor until the renewal application is granted or denied by the Department; provided the renewal application is properly filed with the Department no later than December 21st of the current license year; whenever a person, firm, group, association or corporation acquires control, management or assets of any driver training school presently licensed by the Department, the license of that driver training school shall terminate on the date of acquisition; said school shall not operate or conduct any business as a driver training school until the acquiring party has been licensed by the Department for that license; The application for said license shall be made in the same manner as an application for an original driver training school license; said application may be submitted prior to the acquisition of control, management or assets; provided a letter of intent to acquire control, management or assets accompanies the application; no license shall be issued until the acquiring party has completed with Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code and all rules provided herein;

a) No entity or individual that accepts payment in performing activities in the preparation, instruction or training of an applicant for examination given by the Secretary of State for a driver's license or permit shall operate unless licensed as a commercial driving school that is in compliance with Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6, Art. IV].

b) Any entity or individual that is licensed as a commercial driving school must display its appropriate license in a visibly prominent place.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- c) No person or group licensed as a driver training school, or any agent, servant or employee of any driver training school, shall give driver training instruction unless licensed by the Department as a driver training instructor.
- d) No school shall operate before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 of the Illinois Vehicle Code/ [625 ILCS 5/6-401].
- e) No school shall remain in operation if its license to do business in Illinois is suspended, revoked, canceled or not renewed.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.20 Requirements for School Licenses

- a) The Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school;

3) The physical facilities meet the requirements of Sections 1060/50/ 1060/60/ 1060/70/ and 1060/80 of this Part;

4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat/ 1987/ Ch/ 95 1/2/ par/ 6/402(a))/[625 ILCS 5/6-402(a)]. In making a determination of good moral character, the Department is not limited to, but may shall consider the following:

- A) if the applicant has been convicted of a crime; or/
- B) the age of the applicant at the time any criminal conviction was entered; or/
- C) the length of time that has elapsed since the applicant's last criminal conviction; or/

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- D) the relationship of any crime convicted of to the ability to operate a driver training school; or/
- E) any evidence of rehabilitation after a criminal conviction; or/
- F) opinions of community members concerning the applicant.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

d) No person or group licensed as a driver training school, or any agent, servant or employee of any driver training school, shall give driver training instruction unless licensed by the Department as a driver training instructor/

dC) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

e) No school shall operate before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6/401 of the Illinois Vehicle Code/ (Ill. Rev. Stat/ 1987/ Ch/ 95 1/2/ par/ 6/401 et seq/)

f) No school may remain in operation if its license to do business in Illinois is suspended, revoked, canceled or not renewed/

gd) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities which are not up to standards only for the duration of the courses which have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, state or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.

e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of (\$10,000), (underwritten by a company

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

authorized to do business in the State of Illinois) for the protection of the contractual rights of students as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We, _____,

of _____, hereinafter, referred to as Principal and _____, a Corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of Ten Thousand Dollars (\$10,000), lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The Condition of This Obligation is such, That whereas, the Principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a Driver Training School. Now Therefore, if the said Principal shall faithfully comply with the Illinois Vehicle Code, as amended, and all rules and regulations which have been or may hereafter be in force concerning the said License or Permit, and shall save and keep harmless the Obligees from all loss or damage which may be sustained as a result of the issuance of said license or permit to the said Principal, this obligation shall be void otherwise, to remain in full force and effect. The Bond Will Expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving thirty (30) days written notice to the Commercial Driver Training Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after such thirty day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 19____.

Principal _____

Surety _____

By _____

Attorney-in-fact

(b) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5 of this Part.

h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.

i) Licenses shall be issued by the Department.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.30 Driver Training School Names

a) No driver training school shall adopt, use, or conduct any business under a name that is not distinguishable upon the records of the Department from a name used by another driver training school as defined in 14 Ill. Adm. Code 150.440.

b) No licensed driver training school shall incorporate under its own or another name unless the name of the proposed corporation is submitted to the Department of Business Services of the Office of the Secretary of State for a final determination of the availability of the name along with the fee required by Section 15.10 of the Business Corporation Act of 1983 (111/ Rev/ Stat/ 1987/ ch/ 32/ par/ 13/10)[805 ILCS 5/15.10].

c) Each driver training school shall use only its complete incorporated name, or if not incorporated, its licensed name in conducting the business of a driver training school, and no other partial, abbreviated, corporate director, officer or manager of any driver training school may advertise or otherwise conduct any driver training school business in any name not licensed or incorporated by the Secretary of State.

d) No driver training school shall change its name, the location of its established place of business or any of its branch facilities unless thirty (30) days prior written notice is given to the Department stating the change of name or location of both, upon receipt of the above notice, the Department shall, without an application fee, require the driver training school to complete a new application for license in the form and manner as prescribed for original applicants.

e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of Ten Thousand Dollars (\$10,000), (underwritten by a company authorized to do business in the State of Illinois) for the protection of the contractual rights of students as provided in Section 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. All bonds filed pursuant to this provision shall be in substantially the following form:

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

Know All Men by These Presents, That We, /
 of /, heretofore, referred to as Principal
 and /, a Corporation organized and existing to do
 business in the State of Illinois, for the use and benefit of all
 persons who may be damaged by breach of this bond, as obligees,
 in the penal sum of Ten Thousand Dollars (\$10,000), lawful money
 of the United States of America, for the payment of which sum,
 well and truly to be made, we bind ourselves, our executors,
 administrators, successors and assigns, jointly by these
 presents. The condition of this obligation is such, That
 whereas, the Principal has made application for a license of
 permit to the State of Illinois for the purpose of exercising the
 vocation of a Driver Training School. Now Therefore, if the said
 Principal shall faithfully comply with The Illinois Vehicle Code,
 as amended, and all rules and regulations which have been or may
 hereafter be in force concerning the said license of permit, and
 shall save and keep harmless the obligees from all loss or damage
 which may be sustained as a result of the issuance of said
 license of permit to the said Principal, this obligation shall be
 void, otherwise, to remain in full force and effect. The bond
 will expire but may be continued by renewal certificate
 signed by Principal and Surety. The Surety may at any time
 terminate its liability by giving thirty (30) days written notice
 to the Commercial Driver Training Unit of the Department,
 Chicago, Illinois, and the Surety shall not be liable for any
 default after such thirty day notice period, except for defaults
 occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 19 ____

Principal _____

Surety
 By _____

Attest, my hand and seal of office this _____ day of _____, 19 ____

c) No licensed driver training school's name shall contain, separate and apart from any other word or abbreviation in such name, the word "corporation", "company", "incorporated", or "limited", or an abbreviation of one of such words, unless so licensed by the Secretary of State.

d) No driver training school shall change its name, the location of its established place of business or any of its branch facilities unless thirty (30) days prior written notice is given to the Department stating the change of name or location or both. Upon receipt of the

above notice, the Department shall, without an application fee, require the driver training school to complete an amended application for license in the form and manner as prescribed for original applicants.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAY 09 1994)

Section 1060.40 Refund of Application Fees

The Secretary of State shall not refund any application fee which has been submitted by any person with an application for a driver training school or driver training instructor's license. This provision shall apply to all applicants regardless of whether a license has been issued or denied, provided that where an application has been denied, the applicant shall be notified of the grounds for denial.

(Source: Amended at 18 Ill. Reg. _____, effective _____ MAY 09 1994)

Section 1060.50 School Locations and Facilities

a) Each established Main Office and Branch Office facility must maintain a place of business which shall be open to the general public a minimum of eight (8) hours per week.

1) A main office of branch office may use a telephone answering service, however, no solicitation of students may be made other than from the main office of branch office.

2) The use of telephone mileage lines from the branch office of main office is permitted, however, no new business shall be conducted from a private residence by the use of a mileage line.

3) The established place of business of branch office or branch classroom or advertised addresses of any driver training school shall comply with all restrictions contained in Section 61405 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 61405.1)

b) The established place of business of each driver training school shall comply with Section 61406 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 61406.1) and in addition,

1) The main office and each branch office shall have a minimum of 150 square feet of office space, and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present, and;
- 3) The main office and each branch office facility of each driver training school shall not be used to conduct any business on the same premises that is not reasonably related to driver training. Business that is reasonably related to driver training shall include but is not limited to (1) remedial education limited to programs licensed by the Department of Alcohol and Substance Abuse; (2) court sanctioned driver improvement programs;
- 4) The classroom facility shall contain the following:
- 1) Seating facilities and writing surfaces for not less than 12 students;
 - 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
 - 3) Blackboards which are visible from all seating areas;
 - 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws; and
 - 5) Two fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
- d) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom/ provided;
- 1) The branch classroom meets all requirements of the main classroom facility;
 - 2) The branch classroom shall not be more than fifty (50) miles from the main office or five (5) miles from a branch office operated by the driver training school;
 - 3) Each main classroom or branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility;
 - 4) Each main classroom or branch classroom shall have installed a heating and ventilating system of such capacity as required to maintain a minimum room temperature of 69 degrees F during all periods of occupancy;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 5) Each main classroom, or branch classroom, shall meet a minimum of 450 watts of natural and/or artificial lighting per 300 square feet of classroom facility. Classrooms larger than 300 square feet shall be required to provide extra illumination to maintain the same level;
- e) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle and these rules, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility;
- f) When a branch facility is to be closed, the driver training school shall notify the Department in writing five (5) days prior to the closing date and return the branch facility's license to the Department Secretary of State within five (5) days after the closing;
- g) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-409]. In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.
- h) The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code [625 ILCS 5/6-406], and, in addition:
- 1) The main office and each branch office shall have a minimum of 150 square feet of office space;
 - 2) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present; and
 - 3) The main office and each branch office of the driver training school shall have direct access from the outside. Any business may be conducted in the same building providing the business being conducted is legal and that the business has its own entrance.
- i) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405(b) of the Illinois Vehicle Code [625 ILCS 5/6-405].

NOTICE OF ADOPTED AMENDMENT(S)

d) Each established Main Office and Branch Office facility must maintain a place of business which shall be open to the general public a minimum of eight (8) hours per week.

e) The classroom facility shall contain the following:

- 1) Sufficient seating facilities and writing surfaces for students;
- 2) Charts, diagrams, traffic control devices, or pictures relating to the operation of motor vehicles and traffic laws;
- 3) Blackboards or other forms of illustrative devices which are visible from all seating areas;
- 4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws;
- 5) Adequate fire extinguishers in operable condition as required pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;

f) Each main classroom or branch classroom shall have:

- 1) a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility;
- 2) installed a heating and ventilating system adequate to maintain a comfortable room temperature for the occupants;
- 3) installed an adequate lighting system so as to provide sufficient lighting for the occupants.

g) A driver training school which has an established place of business and a main classroom facility may operate a branch classroom, provided it meets all requirements of the main classroom.

1) Upon receipt by the Department of a written request to open a branch classroom or branch office, an authorized representative of the Department shall inspect the branch office or branch classroom, and if it complies with the provisions of Section 6-406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code and this Part, the Department shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

2) When a branch facility is to be closed, the driver training school shall return the branch facility's license to the Secretary of State within five (5) days after closing.

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective **MAY 09 1994**)

Section 1060.60 Driver Training School Student Instruction Record

a) All driver training schools licensed by the Department shall maintain a permanent and hard copy record of instruction given to each student in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. If records of the driver training school are kept on a computer, a hard copy MUST be retained for inspection purposes.

b) Each driver training school shall furnish the student, upon request, a duplicate of his or her instruction record when the student completes all of the courses contracted for or otherwise ceases taking instruction at or with the school.

c) The branch office must maintain a copy of the student's instruction record and any other student records required by the Department for a minimum period of six (6) months before transferring the records to the Main Office where they shall be kept on file in accordance with Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

d) Road tests at Secretary of State facilities conducted in a driver training school vehicle are considered a part of instruction and documentation shall be maintained.

(Source: Amended at 18 Ill. Reg. _____, effective **MAY 09 1994**)

Section 1060.70 Driver Training School Course of Instruction

a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.

b) No discounts or premiums of other inducements shall be offered or provided to any student who declines the classroom phase of instruction.

c) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

NOTICE OF ADOPTED AMENDMENT(S)

- d) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.
- e) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.
- f) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.
- g) All driver training schools shall have a licensed instructor available so that the student will receive the proper classroom and behind-the-wheel instruction within a reasonable time after the student has indicated his desire for driving instruction.
- h) Behind-the-wheel driving lessons, observation lessons, travel time or any combination thereof shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at Driver's License Examination Facility for testing purposes. If more than one student is present in the training car, (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at Driver's License Examination Facility for testing purposes.
- i) Each driver training school must submit a Slow Learner Report, on a form prescribed by the Department showing the name, address, and number of behind-the-wheel or classroom instruction periods taken for every student who has had twenty (20) hours of behind-the-wheel or classroom instruction. A supplementary Slow Learner Report, must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.
- j) A student must possess a current and valid instruction permit.

NOTICE OF ADOPTED AMENDMENT(S)

- a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.
- b) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.
- c) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.
- d) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.
- e) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.
- f) Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at a Driver's License Examination Facility for testing purposes. If more than one student is present in the training car (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at a Driver's License Examination Facility for testing purposes.
- g) Each driver training school must submit an "Enhanced Instruction Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel instruction periods taken for

NOTICE OF ADOPTED AMENDMENT(S)

every student who has had 25 hours of behind-the-wheel instruction. A supplementary "Enhanced Instruction Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.

h) A student must possess a current or valid instruction permit or valid driver's license unless exempted as provided by law, before each and every behind-the-wheel lesson.

i) The commercial driver training school instructor shall be responsible for verifying that each student has a valid instruction permit or valid driver's license unless exempted by law before each and every behind-the-wheel lesson.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.80 Driver Training School Contracts

a) All written contracts or agreements between any driver training school and any individual or group for the sale, purchase, barter or exchange of any driving instruction of any classroom instruction, or the preparation of an applicant for examination given by the Department for a driver's license must contain the following:

1) A statement indicating that the student may receive at least six (6) hours of behind-the-wheel instruction, except if the contract is for a short-term course;

2) A statement indicating the agreed contract price per hour or lesson, and the terms of payment;

3) A statement that the agreement constitutes the entire contract between the school and the student, and no verbal assurances or promises not contained herein shall bind the school or the student;

4) A statement concerning whether any additional charge is made for the use of the school vehicle in taking a driving test to obtain a driver's license;

5) A statement indicating whether behind-the-wheel instruction is to be in private or on a group basis or both;

6) A statement indicating the specific date and time when instruction is to begin, the hours of instruction and the location of the classroom; and

NOTICE OF ADOPTED AMENDMENT(S)

7) The name and address of the school and the student or entity, and the number and type of all licenses or permits to operate a motor vehicle held by the student.

b) If a contract or agreement between a driver training school and an individual for the sale, purchase, or charge for any driving instruction, or the preparation of an applicant for examination given by the Department for a driver's license, is not in writing, the driver training school shall file with the Department a written statement under oath indicating that all of its oral contracts and agreements have complied, and will comply, with the foregoing requirements. Such statement shall be filed when an application is made for a license to operate a driver training school. A new statement shall also be filed when the school requests the renewal of its license.

c) The term "No Refund" and such a policy concerning student payments is not permitted in any driver training school contract. A driver training school may use the phrase: "The school will not refund any tuition or part of tuition if the school is capable and willing to perform its part of the contract."

d) No driver training school shall include any statement in any of its contracts or advertising to the effect that an Illinois driver's license is guaranteed or that free lessons will be given any student who fails to pass a driver's license test, except statements provided below are permissible:

1) "No additional charge will be made for instruction given to students of this school who fail to pass the driver's license test"; and

2) "Students who fail to pass the test will be given further instruction at no additional charge".

e) No driver training school may sell, transfer, assign, exchange, trade or otherwise dispose of any contract or part of a contract, agreement or obligation between any driver training school and any student, unless the driver training school has obtained the written consent of the student.

f) If any driver training school fails to comply with the provisions of a contract or agreement by or between the driver training school or any of its students, the driver training school shall refund all monies deposited by the student as consideration for performance of the contract or agreement by the school, unless the student violates the provisions of the contract or agreement.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

ILLINOIS REGISTER
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)
Section 1060.90 Inspection of School Facilities

a) Each driver training school shall permit authorized representatives of the Office of the Secretary of State to make reasonable inspections of all of the school's facilities. During such inspections each owner, partner, associate, corporate director, officer, manager or employee of any driver training school shall cooperate with the authorized representative and upon demand shall exhibit all records, instructional aids and other objects which are pertinent and necessary to the inspection or investigation.

b) Representatives of the Office of the Secretary of State shall make periodic, on the street checks of any instructor who is giving behind-the-wheel instruction to a student. Upon proper identification, the Secretary of State's representative may ask to see the student's driving permit or license and the instructor's license to teach driver training issued by the Secretary of State and any other identification to attest to the identity of the instructor or student.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.100 Licenses

a) Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 6-409). In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.

b) No license issued under the Illinois Vehicle Code to any person to operate a driver training school or to an instructor shall be transferable.

c) No individual, partnership, group, association or corporation may sell, assign, barter, or trade any driver training school license or driver training instructor license issued by the Secretary of State. No license issued under the Illinois Vehicle Code to any person to operate a driver training school or to an instructor shall be transferable.

d) When any licensed driver training school ceases to engage in the business of giving instruction for compensation in the driving of motor vehicles or the business of preparing an applicant for examination given by the Secretary of State for a driver's license or when, upon reasonable investigation, it appears that the school has ceased to do business, the owners, partners, associates, corporate directors, officers or managers of the driver training school shall surrender their driver training school license to the Secretary of State.

ILLINOIS REGISTER
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)
(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.110 Safety Inspection of Driver Training School Motor Vehicles

a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.

b) Motor vehicles which have passed safety inspection shall be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.

d) No motor vehicle may be used for driver training unless:

1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Commercial motor vehicles are exempt from this requirement.

2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement.

3) It is equipped with a driver and passenger side view mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 6-410(b)) 625 ILCS 5/6-410(b);

4) It is owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department pursuant to Statute and these Rules, or is leased by a driver training school and a lease agreement is

SECRETARY OF STATE

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and ~~serial~~ vehicle identification number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation or an unsatisfied judgment, as described in 92 Ill. Adm. Code 1040.42; or an administrative revocation which has been rescinded;

- 5) It is in safe operating condition;
- 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;
- 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 6-410(c)~~;

- 2) To any person who has been convicted of ~~more than two (2) or more~~ (3) or more offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;

- 3) To any person who has had two (2) or more convictions of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;

- 98) Current and valid registration on the vehicle used for driver training must be retained in the vehicle;

- 99) It displays a current and valid safety inspection certificate/sticker.

- 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 11-501~~[625 ILCS 5/11-501], leaving the scene of a fatal accident, pursuant to 5/11-501], Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 11-401~~ [625 ILCS 5/11-401], reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 9-3~~[720 ILCS 5/9-3], reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 11-503~~[625 ILCS 5/11-503], or any sex or drug related offense within 5 years prior to date of application;

- e) The Department shall not issue an insurance sticker until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.
- f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

MAY 09 1994

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 1060.120 ~~Additional~~ Requirements of ~~Applicants for~~ to Obtain and Retain a Driver Training Instructor's License

- a) The ~~Department~~ Secretary of State shall not issue, or shall deny, cancel, suspend or revoke a driver training instructor's license:

- 1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license.

- 5) To any person who has failed to pass the written or road test required by the Department for applicants for a driver training instructor's license;

- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ ~~111/ Rev/ Stat/ 1987/ Ch/ 93 1/2/ par/ 6-411(d)~~[625 ILCS 5/6-411(d)]. An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain ~~any history of epilepsy/ diabetes/ heart disease/ respiratory disease/ or general urinary disease~~ the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;

7) To any person who fails to properly and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;

8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-417)[625 ILCS 5/6-417];

9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-411(b))[625 ILCS 5/6-411(b)];

11) To any person who is not at least 21 years of age and a resident of the State of Illinois;

12) To any person who has failed to comply with the provisions of the these Rules pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-411(d))[625 ILCS 5/6-411(d)];

13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-411(a))[625 ILCS 5/6-411(a)]. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the person has been convicted of a crime; or/
- B) the age of the person at the time any criminal conviction was entered; or/

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- C) the length of time that has elapsed since the person's last criminal conviction; or/
- D) the relationship of any criminal convicted to the ability to teach as a driver training instructor; or/

E) any evidence of rehabilitation after a criminal conviction; or/

F) opinions of community members concerning the applicant.

14) To any person whose suspension under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 10 years prior to date of application/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 11-501.1)[625 ILCS 5/11-501.1].

b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code before being issued an instructor's license for classroom instruction only/ (111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-411(g))[625 ILCS 5/6-411].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.140 Temporary Permit

Pending the satisfaction of the Secretary of State that the applicant has met the requirements under these Rules, the Secretary of State may issue a temporary permit to any person applying for an instructor's license. Such temporary permit shall permit the giving of instruction for a period of not to ~~exceed~~ more than ninety (90) days while the Secretary of State is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The Secretary of State may cancel such temporary permit when he has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or denied.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.150 Driver Training School Responsibility for Employees

a) No driver training school shall employ or otherwise retain any individual to give classroom instruction or behind-the-wheel instruction unless the individual has a valid, current driver training instructor's license for that school issued by the Secretary of State.

b) Qualified and recognized experts in the fields of driver training, traffic regulation, or motor vehicle operation or maintenance may give occasional classroom lectures without having a valid current driver training instructor's license, provided the driver training school which secures the services of any such expert notifies the Office of the Secretary of State, Driver Training School Section, in advance, indicating the name, address and qualifications of the expert and the proposed lecture dates.

c) Each driver training instructor employed by or associated with any driver training school shall be deemed an agent of the driver training school and the school shall share the responsibility for all acts performed by the instructor which are within the scope of his employment and which occurred during the course of his employment. Any individual employed by, or associated with, any driver training school, and all acts performed by an instructor shall be presumed acts within the scope of employment unless the school can provide competent evidence to the contrary.

d) If a licensed instructor is temporarily suspended, laid off or discharged by a driver training school, the school shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of listing the name, address, and license number of the school instructor, such instructor's termination date, and the reason for the termination. If the school intends to employ such instructor at

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

a future date/ prior to the expiration date of his license, the school will notify the Secretary of State and the Secretary of State's Office will temporarily suspend the license of such instructor until notified by the driver training school that said instructor is returning to work. There will be no additional fee charged by the Secretary of State as long as the instructor returns to work for the same school. In all cases where an employee ceased working for a the commercial driving school, whether it be a temporary lay-off or any other termination of his association with the school, the instructor must surrender his license to the Secretary of State.

e) Representatives of the Office of the Secretary of State shall make periodic on the street checks of any instructor who is giving behind-the-wheel instruction to a student. Upon proper identification, the Secretary of State's representative may ask to see the student's driving permit or license and the instructor's license to teach driver training issued by the Secretary of State and any other identification to attest to the identity of the instructor of student.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction

It shall be unlawful for any driver training school or driver training instructor licensed under the provisions of Section 6101 of the Illinois Vehicle Code to directly solicit by means of personal contact, telephone or direct correspondence any person for the purpose of inducing such person to apply for or receive instruction for compensation or for a fee, in the driving of motor vehicles or in the preparation of any such applicant for examination given by the Secretary of State for a driver's license or permit. This section shall not be construed to limit or prohibit indirect advertising of the services of any such school or instructor. Any violation of the provisions of this section shall be grounds for the cancellation, suspension, revocation or refusal to renew any driver training school license or any driver training instructor license pursuant to the provisions of Section 6120 of the Illinois Vehicle Code. A driver training school owner and/or instructor shall not solicit or advertise for business within 1500 feet of any building used as an office by the Secretary of State having to do with the administration of any laws relating to motor vehicles.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.170 Hearings

Prior to the suspension/ revocation/ cancellation or denial of the license of

NOTICE OF ADOPTED AMENDMENT(S)

accreditation of a commercial driver training school or commercial driver training school instructor, the Department shall give fifteen (15) days' written notice to such school or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code §1001, Subpart A and Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 2-118), the sanction shall be stayed pending the outcome of such hearing. The basis for denial of a license or renewal of a license is stated in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6-420).

a) Prior to the denial of the renewal of the license or accreditation of a commercial driver training school or commercial driver training school instructor, the Department shall give fifteen (15) days' written notice to such school or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code §1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], the sanction shall be stayed pending the outcome of such hearing. The basis for denial of a license or renewal of a license is stated in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-420].

b) Prior to the suspension or revocation of the license or accreditation of a commercial driver training school or commercial driver training school instructor, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code §1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing commercial driver training schools and/or instructors and seek the appropriate sanctions in accordance with Section 1060.190 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

Section 1060.180 Teen Accreditation

a) Accreditation of the School - Each commercial driver training school which desires to offer instruction to those under the age of 18 must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

- 1) Upon receipt of proper application for accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities.

NOTICE OF ADOPTED AMENDMENT(S)

At the time of the visit, the Secretary of State employee shall verify that the school meets the standards set forth for commercial driving schools in Section 6-401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, Part 6-401 of 625 ILCS 5/Ch. 6, Art. IV). In addition, the school shall meet the standards for commercial driver school teen accreditation that are set forth in Sections 1060.240(b)(180(b)) through (h)(f) of this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.

- 2) The accreditation of each school is renewable on January 1 of each year upon the expiration date of the school license provided all qualifications and standards are met and provided the school has been in compliance with all rules.

- 3) Only qualified teaching personnel may teach persons under age 18. Exception: In the event of any emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains incomplete, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must give prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

- b) Required Facilities - All teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.8050 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

- 1) Required Course of Instruction

- A) Each (2) copy of an outline covering the topics to be taught in the classroom phase of instruction, and (2) copy of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

i) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every two (2) months.

ii) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or behind-the-wheel outline has been approved.

B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in paragraph (b)(2)(A) of this Section.

C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students and teachers.

c) Teacher Qualifications

1) Classroom Teacher Qualifications - Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code [711/ 741/ 744/ 747/ 748/ 749/ 750/ 751/ 752/ 753/ 754/ 755/ 756/ 757/ 758/ 759/ 760/ 761/ 762/ 763/ 764/ 765/ 766/ 767/ 768/ 769/ 770/ 771/ 772/ 773/ 774/ 775/ 776/ 777/ 778/ 779/ 780/ 781/ 782/ 783/ 784/ 785/ 786/ 787/ 788/ 789/ 790/ 791/ 792/ 793/ 794/ 795/ 796/ 797/ 798/ 799/ 800/ 801/ 802/ 803/ 804/ 805/ 806/ 807/ 808/ 809/ 810/ 811/ 812/ 813/ 814/ 815/ 816/ 817/ 818/ 819/ 820/ 821/ 822/ 823/ 824/ 825/ 826/ 827/ 828/ 829/ 830/ 831/ 832/ 833/ 834/ 835/ 836/ 837/ 838/ 839/ 840/ 841/ 842/ 843/ 844/ 845/ 846/ 847/ 848/ 849/ 850/ 851/ 852/ 853/ 854/ 855/ 856/ 857/ 858/ 859/ 860/ 861/ 862/ 863/ 864/ 865/ 866/ 867/ 868/ 869/ 870/ 871/ 872/ 873/ 874/ 875/ 876/ 877/ 878/ 879/ 880/ 881/ 882/ 883/ 884/ 885/ 886/ 887/ 888/ 889/ 890/ 891/ 892/ 893/ 894/ 895/ 896/ 897/ 898/ 899/ 900/ 901/ 902/ 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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than eight (8) clock hours of instructional work daily.

d) Student Qualifications

- 1) Effective January 1, 1994, no driver training school or driver training school instructor licensed by the Secretary of State shall provide any classroom or behind-the-wheel instruction to any student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code/ are complied with [625 ILCS 5/6-408.5].

- 2) A superintendent or chief school administrator shall waive the requirements contained in this Section if he/she deems it to be in the best interests of the student. The State Board of Education may, at their discretion, by rule or regulation, establish guidelines for the waiver of the requirements of Section 6-408.5 of the Illinois Vehicle Code/ [625 ILCS 5/6-408.5].

- 3) Prior to a driver training school or driver training school instructor providing any classroom or behind-the-wheel instruction to a student, the driver training school or driver training instructor must verify that the student is enrolled in school and has received a passing grade in at least eight (8) courses during the two (2) semesters. Verification of eligibility shall be by one of the following methods:

- A) a form prepared or approved by the Secretary of State stating the student is enrolled in school and has received a passing grade in at least eight (8) courses during the previous two (2) semesters;
- B) receive copies of the student's report card for the previous two (2) semesters indicating a passing grade in at least eight (8) courses during the previous two (2) semesters;
- C) receive copies of the student's transcript for the previous two (2) semesters indicating a passing grade in at least eight (8) courses during the previous two (2) semesters;
- D) a form prepared or approved by the Secretary of State stating the student is enrolled in a home school.

- 4) Prior to a driver training school or driver training school instructor providing any classroom or behind-the-wheel instruction to a student who has been waived from the requirements of Section 6-408.5 of the Illinois Vehicle Code [625

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

ILCS 5/6-408.5], the driver training school or driver training school instructor must receive written approval from a superintendent or school administrator on a form prepared or approved by the Secretary of State and approval from the Secretary of State's Commercial Driver Training Section.

- 5) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection the student's driver education approval form, report card, or transcript.

4e) Classroom Instruction - for persons under age 18 years

- 1) No classroom instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code/ are complied with [625 ILCS 5/6-408.5].

- 12) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than two (2) hours daily with meetings distributed regularly throughout the minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

- 23) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

- 34) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

- 45) Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit the student to be absent from more than four (4) class sessions without requiring the student to re-enroll in a later course and to start over.

- 36) The teaching facilities must provide adequate, comfortable seating for at least 14 students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

¶7) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

78) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

¶9) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

¶10) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

¶11) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is canceled and the student is refunded any fees already paid.

¶12) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within three (3) days of the date classroom instruction begins on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

¶f) Laboratory Instruction - for persons under age 18 years

1) No laboratory instruction shall be provided to any person who is enrolled as a student in any public or non-public secondary school unless the restrictions contained in Section 6-408.5 of the Illinois Vehicle Code/ are complied with [625 ILCS 5/6-408.5].

2) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least four (4) hours of classroom

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

instruction must be given before behind-the-wheel lessons are started.

2) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

¶4) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than ninety (90) minutes for each student per session. The accumulation of six (6) hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of six (6) hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

¶5) Each student shall receive a minimum of six (6) full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

¶6) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick-up points.

¶7) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code/ [111/ Rev/ Stat/ 1987/ Ch/ 95 1/2/ par/ 6-410][625 ILCS 5/6-410].

fg) Records

1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of three (3) years.

2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who

NOTICE OF ADOPTED AMENDMENT(S)

qualify for a certificate. The form shall be signed by an authorized official of the school.

(Source: Amended at 18 Ill. Reg. _____, effective **MAY 09 1994**)

Section 1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License

A) The Secretary of State shall deny a Driver Training School License/

1) To any person not of good moral character as provided in 6-402(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(a))

2) To any person who is not at least 21 years of age as provided in Section 6-402(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(b))

3) To any person who lacks a minimum of a high school education or the equivalent as provided in 6-402(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(c))

4) To any school which fails to meet these vehicle standards/

A) At least one vehicle owned or leased by the school as provided in Section 1060.140(d)(4) of this Part/

B) Proper bodily injury and property damage liability insurance as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e)) and Section 1060.120 of the Part/

C) Proper surety bond as provided in 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f))

D) Vehicle fails to pass Illinois Department of Transportation Safety Inspection fees as provided in Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410) and Section 1060.140 of this Part/

E) Proper registration plates pursuant to Section 3-402 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-402))

NOTICE OF ADOPTED AMENDMENT(S)

F) Dual plates as provided in Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(b)) and Section 1060.140(d)(1) of this Part/

G) Mirrors on both sides of vehicle as provided in Section 1060.140(d)(3) of this Part/

H) Adequate advertising sign as provided in 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(c)) and Section 1060.140(d)(7) of this Part/

I) To any person who submits a fraudulent application as provided in Section 6-420(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3))

J) To any person who does not submit the proper fee pursuant to Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i))

K) To any person who owned another school for which the license is currently revoked/

L) To any person who has their license revoked while serving as an instructor with another school/

M) To any person who is currently the owner of another Commercial Driver Training School pursuant to Section 1060.120 of this Part/

N) To any person who is operating an unlicensed school pursuant to Section 6-401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 401) and Section 1060.10 of this Part/

O) To any person who is currently employed by the Secretary of State pursuant to Section 1060.120 of this Part/

P) To any person who owes any outstanding fees to the Secretary of State as provided in Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code/ (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3))

Q) To any person who submits a name that is not distinguishable from that of another driving school upon the records in the Office of the Secretary of State as provided under Section 4105 of the Business Corporation Act of 1983/ (Ill. Rev. Stat. 1987, ch. 32, par. 4105(a)(3))

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1A) To any school that lacks a licensed instructor pursuant to Section 1060/20(a)(2) of the Part.

1B) To any school that fails to meet location standards in one of more of the following ways:

A) Office is not owned or leased by school applicant pursuant to Section 61403 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61403.1).

B) Location is used to conduct any business that is not reasonably related to driver training pursuant to Section 1060/70(c).

C) Location is not zoned for businesses pursuant to Section 61404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61404.1).

D) Location is not in permanent commercial site as provided in Section 61403 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61403.1).

E) Insufficient space for classroom and/or office pursuant to Section 61406(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61406(d)).

F) Inadequate lighting, heating, and ventilation pursuant to Section 61406(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61406(e)).

G) Fails to comply with public health, safety, and sanitation standards per State and local laws pursuant to Section 61406(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

H) Fails to have a telephone that registers to the school pursuant to Section 61402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61402(h)).

I) Fails to have a permanent sign meeting standards pursuant to Section 61404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

J) Fails to have business hours posted in a prominent location pursuant to Section 1060/70 of this Part.

K) Classroom is not within the same premises as the main office facility as provided in Section 1060/80(b)(3) of this Part.

L) Location is within 1500 feet of a secondary of State facility of station pursuant to Section 61407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95 1/2, par. 61407.1).

M) Classroom facility does not contain the following:

1) Seating facilities and writing surfaces for not less than 12 students pursuant to Section 1060/80 (a)(1) of this Part.

2) Charts, and diagrams, traffic signs, or pictures relating to the operation of motor vehicles and traffic laws pursuant to Section 1060/80(a)(2) of this Part.

3) Blackboards which are visible from all seating areas pursuant to Section 1060/80(a)(3) of this Part.

4) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws pursuant to Section 1060/80(a)(4) of this Part.

5) Two fire extinguishers in operable condition pursuant to Section 1060/80(a)(5) of this Part.

N) Branch classroom does not meet the following criteria:

1) The branch classroom meets all the requirements of the main classroom facility as provided in Section 1060/80(b)(1) of this Part.

2) The branch classroom is not more than fifty (50) miles from the main office of five (5) miles from a branch office operated by the driver training school pursuant to Section 1060/80(b)(2) of this Part.

3) Each main classroom of branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility pursuant to Section 1060/80(b)(3) of this Part.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

16) TO ANY SCHOOL WHICH FAILS TO COMPLY WITH THE RULES OF THE CAPITAL DEVELOPMENT BOARD ENVELOPED ILLINOIS ACCESSIBILITY CODES/ 171 ILL. ADM. CODE 400.11

17) THE SECRETARY OF STATE SHALL DENY A DRIVER TRAINING INSTRUCTOR'S LICENSE/

1) TO ANY PERSON WHO HAS NOT HELD A VALID DRIVER'S LICENSE FOR ANY PERIOD OF TIME WITHIN TWO (2) CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR AN INSTRUCTOR'S LICENSE/ THE FOLLOWING SHALL NOT INTERRUPT THE RUNNING OF THE TWO (2) CONSECUTIVE YEAR REQUIREMENT/ A LAPSE IN RENEWAL OF THE DRIVER'S LICENSE OF LESS THAN THIRTY (30) DAYS/ A LAPSE DUE TO A SUSPENSION FOR AN AUTO EMISSIONS VIOLATION/ FAILURE TO APPEAR/ A WARRANT PARKING/Traffic VIOLATION/ A SAFETY RESPONSIBILITY VIOLATION/ A FINANCIAL RESPONSIBILITY VIOLATION/ OR AN UNSATISFIED JUDGMENT AS PROVIDED IN SECTION 1060/150(A)(1) OF THIS PART/

2) TO ANY PERSON WHO HAS BEEN CONVICTED OF MORE THAN TWO (2) OFFENSES AGAINST TRAFFIC REGULATIONS GOVERNING THE MOVEMENT OF TRAFFIC WITHIN THE TWO (2) YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR AN INSTRUCTOR'S LICENSE AS PROVIDED IN SECTION 1060/150(A)(2) OF THIS PART/

3) TO ANY PERSON WHO HAS HAD MORE THAN ONE (1) CONVICTION ARISING FROM AN AUTO ACCIDENT WITHIN THE TWO (2) YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR INSTRUCTOR'S LICENSE AS PROVIDED IN SECTION 1060/150(A)(3) OF THIS PART/

4) TO ANY PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS/ PURSUANT TO SECTION 11-501 OF THE ILLINOIS RULES OF THE ROAD OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 11-501), LEAVING THE SCENE OF A FATAL ACCIDENT PURSUANT TO SECTION 11-401 OF THE ILLINOIS RULES OF THE ROAD OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 11-401), RECKLESS HOMICIDE PURSUANT TO SECTION 9-3 OF THE CRIMINAL CODE OF 1961 (ILL. REV. STAT. 1987, CH. 38, PAR. 9-3), OR RECKLESS DRIVING, PURSUANT TO SECTION 11-502 OF THE ILLINOIS RULES OF THE ROAD OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 11-503), WITHIN 5 YEARS PRIOR TO DATE OF APPLICATION AS PROVIDED IN SECTION 6-420 OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-420) AND SECTION 1060/150(A)(4) OF THIS PART/

5) TO ANY PERSON WHO HAS FAILED TO PASS THE WRITTEN OR ROAD TEST REQUIRED BY THE SECRETARY OF STATE FOR APPLICANTS FOR A DRIVER TRAINING INSTRUCTOR'S LICENSE AS PROVIDED BY SECTION 6-411(C) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

111) REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(C) AND SECTION 1060/150(A)(5) OF THIS PART/

6) TO ANY PERSON WHO IS PHYSICALLY UNABLE TO SAFELY OPERATE A MOTOR VEHICLE OR TO SAFELY INSTRUCT OR TRAIN OTHERS IN THE OPERATION OF A MOTOR VEHICLE AS PROVIDED IN SECTION 6-411(D) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(D)) AND SECTION 1060/150(B) OF THIS PART/

7) TO ANY PERSON WHO FAILS TO PROPERLY MAKE APPLICATION FOR SUCH LICENSE OF OTHERWISE INDICATES THAT HE IS UNQUALIFIED TO RECEIVE A DRIVER TRAINING INSTRUCTOR'S LICENSE AS PROVIDED IN SECTION 1060/150(A)(7) OF THIS PART/

8) TO ANY PERSON WHO IS NOT EMPLOYED OR ASSOCIATED WITH A DRIVER TRAINING SCHOOL LICENSED BY THE SECRETARY OF STATE AS PROVIDED IN SECTION 1060/150(A)(8) OF THIS PART/

9) TO ANY PERSON WHO IS CURRENTLY A SALARIED EMPLOYEE OF THE SECRETARY OF STATE AS PROVIDED IN SECTION 1060/150(A)(9) OF THIS PART/

10) TO ANY PERSON WHO FAILS TO SUPPLY A COMPLETE SET OF HIS FINGERPRINTS TO THE SECRETARY OF STATE AS PROVIDED BY SECTION 6-411(B) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(B)) AND SECTION 1060/150(A)(10) OF THIS PART/

11) TO ANY PERSON WHO IS NOT AT LEAST 21 YEARS OF AGE AND A RESIDENT OF THE STATE OF ILLINOIS AS PROVIDED IN SECTION 1060/150(A)(11) OF THIS PART/

12) TO ANY PERSON WHO HAS FAILED TO COMPLY WITH SECTION 1060/150(D)(6) OF THIS PART PURSUANT TO SECTION 6-411(D) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(D))

13) TO ANY PERSON OF POOR MORAL CHARACTER AS PROVIDED IN SECTION 6-411(A) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(A))

14) TO ANY PERSON WHO LACKS A MINIMUM OF A HIGH SCHOOL EDUCATION OR EQUIVALENT AS PROVIDED IN SECTION 6-411(F) OF THE ILLINOIS DRIVER LICENSING LAW OF THE ILLINOIS VEHICLE CODE (ILL. REV. STAT. 1987, CH. 95 1/2, PAR. 6-411(F))

15) TO ANY PERSON WHO HAS SUBMITTED A PERMITTED APPLICATION AS PROVIDED IN SECTION 6-420(3) OF THE ILLINOIS DRIVER LICENSING LAW

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3)).

16) To any person who fails to submit a proper fee as provided in Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411).

17) To any person who is employed by or owns another driving school pursuant to Section 1060/20 of this part and Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-417).

18) To any person whose Commercial Driver Training Instructor's License is currently revoked as provided in Section 6-420(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(1)).

19) To any person whose school license is currently revoked.

20) To any person who has had his privilege to obtain a license suspended in violation of Section 1060/10 of this part and

21) To any person who owes any outstanding fees to the Secretary of State pursuant to Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3)).

22) To any person whose suspension under Section 11-501/1 of the Illinois Rules of the Road of the Illinois Vehicle Code has terminated within 3 years prior to date of application (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501/1).

d) A commercial driver training school license and instructor's license shall be cancelled, suspended, or revoked depending on the severity of the infraction if the school or instructor violates the regulations and laws governing commercial driver training schools as found in Section 1060/25 (c) through (s) and Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.).

d) A school license shall be given a written warning and then business cancelled.

1) A violation of any requirements in Sections 1060/30, 1060/60, 1060/70, and 1060/80 and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

6-404, 6-405, 6-406, and 6-407) relating to the physical facilities of the school.

2) Improper record keeping in violation of Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-408).

3) Failure to produce records upon demand by an employee of the Commercial Driver Training School Section.

4) Failure of school to own or lease a vehicle.

5) Failure of a vehicle used for instruction to have a safety inspection certificate sticker.

6) Failure to pay the fees required by Section 6-402(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(1)).

e) If a school accredited to teach teens pursuant to Section 1060/240 of this part fails to keep records records as required in Section 1060/240(f), the school shall lose their accreditation as found in Section 1060/240(g) but not their school license. If the school is given notice (3) written warnings within twelve (12) months about improper recordkeeping on license students, the school's teen accreditation shall be suspended.

f) The instructor shall also be given a warning and then (10) days to correct the following violations of have his/her license cancelled.

1) Improper record keeping in violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-418).

2) Failure to keep records on teen pupils or

3) Failure to produce records upon demand by an employee of the Commercial Driver Training School Section.

g) A commercial driver training school's license shall be cancelled upon discovery of the school's failure to post bond as required by Section 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f)).

h) A commercial driver training school's license shall be immediately cancelled for failure to have insurance as required by Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e)). If the school cannot provide the Department with proof of insurance within seven (7) days of the notice of cancellation.

NOTICE OF ADOPTED AMENDMENT(S)

- 1) An instructor's license shall be cancelled upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license!
- 2) If a branch license is cancelled because the branch facility does not meet the standards found in Section 1060.10(b) of this part, the school's license shall not be cancelled but the branch shall remain closed until the branch facility comes into compliance!
- 3) In order to be eligible to be reinstated following cancellation, the school or instructor shall reapply for a license! Pay the required application fee of \$100.00 for a school as required by 61402.11) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61402.11) and \$10.00 for an instructor as required by Section 61411) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61411) and demonstrate compliance with the provisions of this part for which the cancellation was issued (e.g. proof of insurance)! No reinstatement fee shall be required upon reapplication for teen accreditation!
- 4) A commercial driver training school's license shall be suspended after being given a warning about not being opened during posted hours and another such incident occurs within ten (10) days! If a school is given three (3) written warnings during any twelve (12) month period for any violation of this part or of Section 61401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61401 et seq.) the school's license shall also be suspended! The length of the suspension shall be two weeks for the first offense! One month for the second offense! and three months for the third offense!
- 5) An instructor's license shall be suspended after being given a written warning about giving students more than three (3) hours of behind-the-wheel instruction within a twenty-four (24) hour period! Pursuant to Section 1060.10(b) of the part, if another such incident occurs within ten (10) days! If an instructor is given three (3) written warnings during any twelve (12) month period for any violation of this part or of Section 61401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61401 et seq.) his/her license shall be suspended! The length of the suspension shall be two weeks for the first offense! One month for the second offense! and three months for the third offense!
- 6) A school and/or instructor's license shall be suspended immediately if it is discovered they are teaching students behind-the-wheel who do not have instruction permits or they are teaching a student in a vehicle not owned by the school! The length of the suspension for these offenses shall be three (3) months! The second incident within

NOTICE OF ADOPTED AMENDMENT(S)

- 7) Two (2) years shall result in a six (6) month suspension and the third incident shall result in revocation!
- 8) The length of a suspension for the first incident of fraud shall be three (3) months for an instructor or school! If the instructor or school engages in a second fraudulent activity within two (2) years! the instructor's license and/or school's license shall be revoked!
- 9) The instructor or school who wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$100.00 for schools as required by 61402.11) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61402.11) and \$10.00 for instructors as required by 61411) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61411)!
- 10) A commercial driver training school license shall be revoked if the school is given four (4) or more written warnings within a twelve (12) month period for any type of violation of this part or Section 61401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 61401 et seq.)
- 11) An instructor's license shall be revoked!
- 12) If he/she is convicted of the following!
- A) A violation of Section 111501 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, part 111501) relating to driving under the influence of drugs and/or alcohol!
- B) A violation of Section 111503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 111503) relating to reckless driving!
- C) A violation of Section 913 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, part 913) relating to reckless homicide!
- D) A violation of Section 111401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, part 111401) relating to leaving the scene of a fatal accident! or
- E) any sex or drug related offense!

- 2) If he/she has been given four (4) or more written warnings within a twelve (12) month period for any type of violation of the provisions of this part or he/she engages in a second fraudulent

NOTICE OF ADOPTED AMENDMENT(S)

activity (as defined in Section 1060.250(a)) within twelve (12) months;

3) if the was received a suspension of driving privileges under Section 1150.11 of the Illinois Rules of the Road of the Illinois Vehicle Code, which was terminated within the last 5 years prior to date of application; 1111 Rev. Stat. 1987, ch. 95 1/2, par. 1150.11;

4) A revocation shall be for an indefinite time period. After one (1) year, the school of instructor may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Ann. Code 1001, Subpart A;

a) The Secretary of State shall deny or cancel a commercial driver training school license for failing to correct after being served written notice, giving five business days to correct any violation of the following regulations and laws governing commercial driver training schools:

1) a violation of any requirements in Sections 1060.50 of this Part and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-403, 6-404, 6-405, 6-406, and 6-407] relating to the physical facilities of the school;

2) a violation of any requirements in Section 1060.60 of this Part and Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-408] relating to the maintenance of driver training school records;

3) a violation of any requirements in Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410] relating to the safety inspection and requirements of a driver training school's motor vehicles;

4) failure of school to own or lease a vehicle;

5) failure to pay the fees required by Section 6-402 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402];

6) for a violation of Section 1060.20(a)(2) of this Part relating to the employment of a licensed driver training instructor;

7) for any violation of the requirements of Section 1060.30 of this Part relating to driver training school names and business organizational status;

NOTICE OF ADOPTED AMENDMENT(S)

8) for any violation of the requirements of the Business Corporation Act of 1983 [805 ILCS 5];

9) for a violation of the requirements of a vehicle used for instruction to have a safety inspection sticker as required by Section 1060.110 of this Part and Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-410];

10) for a violation of the requirement of a vehicle used for instruction to have a current and valid registration on the vehicle used for driver training that is retained in the vehicle as required by Section 1060.110(d)(9) of this Part.

b) A commercial driver training school's license shall be immediately canceled:

1) for a violation of the requirements of Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(e)];

2) for a violation of the requirements of Section 6-402(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(d)];

3) for a violation of the requirements of Section 1060.90 of this Part;

c) If a branch license is canceled because the branch facility does not meet the standards found in Section 1060.50 of this Part, the school's license shall not be canceled but the branch shall remain closed until the branch facility comes into compliance.

d) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of \$250 for a school as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g. proof of insurance).

e) The Secretary of State shall deny or cancel a commercial driver training school instructor's license for failing to correct after being served written notice, giving five business days to correct any violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-418].

f) A commercial driver training school instructor's license shall be immediately canceled:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license;

2) for failure to produce records after a written warning and demand to produce the records within five (5) business days.

g) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of \$35 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code [625 ILCS 5/6-411(g)]; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g. proof of insurance).

h) The Secretary of State shall suspend a commercial driver training school license up to one (1) year depending on the severity of the violation if the school violates any of the following regulations and laws governing commercial driver training schools:

1) for any violation of this Part;

2) for any violation of Section 6-407 or 6-408 or 6-409 of the Illinois Vehicle Code [625 ILCS 5/6-407, 6-408 or 6-409];

3) if a school accredited to teach teens pursuant to Section 1060.180 of this Part fails to keep records on teenage clients as required in Section 1060.180(f), the school shall have their teen accreditation as found in Section 1060.180(a) suspended, but not its school license;

4) if a school accredited to teach teens pursuant to Section 1060.180 of this Part violates any of the provisions in Section 1060.180(d), the school shall have its teen accreditation as found in Section 1060.180(a) suspended, but not its school license.

i) A school that wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$250 as required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(i)].

j) The Secretary of State shall suspend a commercial driver training school instructor's license up to one (1) year depending upon the severity of the infraction, for any violation of this Part.

k) An instructor who wishes to have a license reinstated following suspension shall reapply and pay the fee of \$35 required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) The Secretary of State shall revoke a commercial driver training school license if the school violates any of the following regulations and laws governing commercial driver training schools:

1) if the school engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State;

2) for selling, assigning, bartering, or trading any school or instructor license issued by the Secretary of State;

3) for remaining in operation if the school's license has been suspended, canceled, revoked, or not renewed;

4) for having unauthorized possession of application forms or questionnaires used by the Driver Services Department of the Secretary of State's Office in conjunction with administering driver's license examinations;

5) for making a false statement or knowingly concealing a material fact in the application for a school license;

6) for a subsequent violation of Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-407]

7) for repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].

m) A revocation shall be for an indefinite period. After one (1) year the school may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001, Subpart A.

n) The Secretary of State shall revoke a commercial driver training school instructor's license if the instructor violates any of the following regulations and laws governing commercial driver training schools:

1) If he/she is convicted of the following:

A) a violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501] relating to driving under the influence of drugs and/or alcohol.

B) a violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

C) a violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3] relating to reckless homicide.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

D) a violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-401].

E) any sex or drug related offense.

2) If he/she engages or permits any type of fraudulent activity either with reference to a student or the Secretary of State.

3) A violation of Section 6-420(5) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/6-420(5)].

4) If he/she knowingly aids or assists an applicant in obtaining a driver's license by fraudulent procedure.

5) If he/she possesses unauthorized application forms or questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations.

6) For repeated violations of this Part or Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. IV].

7) If he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code, which has terminated within the last ten (10) years prior to the date of application [625 ILCS 5/11-501.1].

o) A revocation of an instructor's license shall be for an indefinite period of time. After one (1) year, the instructor may apply for reinstatement by requesting a formal administrative hearing as found in 91 Ill. Adm. Code 1001, Subpart A.

p) An owner's or instructor's license shall be revoked for lack of good moral character. In making a determination of good moral character, the Department is not limited to, but may consider the following:

- 1) If the owner or instructor has been convicted of a crime; or
- 2) The relationship of any crime convicted of to the ability to operate a driver training school; or
- 3) Opinions of the community members concerning the owner or instructor; or
- 4) The length of time that has elapsed since the owner's or instructor's last criminal conviction; or
- 5) If the owner or instructor has been convicted of an offense and the Secretary of State has received sufficient evidence that the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

owner or instructor has been convicted of an offense in regard to a student or the Secretary of State;

A) In determining whether action should be taken, there must be sufficient evidence that the owner or instructor has been convicted of an offense in regard to a student or the Secretary of State. "Sufficient evidence" shall be defined as but not limited to:

i) copies of court documents showing the conviction of an owner or instructor of an offense in regard to a student or the Secretary of State;

ii) affidavits of eyewitnesses or others with first hand knowledge concerning the matter which indicate offenses in regard to students or the Secretary of State;

iii) any other competent evidence including but not limited to: police reports, transcripts of preliminary hearings or Grand Jury proceedings, and other documents deemed important and probative by the State's Attorney.

B) If sufficient evidence is received from the State's Attorney and indicates that a person has committed an offense in regard to a student or Secretary of State, and that these offenses, currently awaiting court disposition, involved a student or Secretary of State, the owner's or instructor's license shall be revoked.

C) If the owner or instructor, whose commercial driver training school license has been revoked under this Section, is adjudicated "guilty" by the court system, the revocation previously entered on his/her record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

D) If the owner or instructor, whose commercial driver training school license has been revoked under this Section, is adjudicated "not guilty" by the court system, the revocation previously entered on their license in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

NOTICE OF ADOPTED AMENDMENT(S)

E) If the individual whose commercial driver training school license has been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of their commercial driver training school license under another Section of the Illinois Vehicle Code.

F) If the charges against the owner or instructor, whose commercial driver training school license has been revoked under this Section, are reduced or altered in any manner such that the offense(s) for which the owner or instructor is convicted is not an offense in regard to a student or Secretary of State, the revocation previously entered in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of a commercial driver training school license under another Section of the Illinois Vehicle Code.

G) An individual whose commercial driver training school license has been revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

q) The Secretary of State shall have the discretionary authority to issue warning letters to commercial driver training schools or instructors for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Prior to the cancellation, suspension, or revocation of the school's or instructor's license.

(Source: Amended at 18 Ill. Reg. _____, effective **MAY 09 1994**)

Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

a) Accreditation of the Program - Each commercial driver training school which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State

NOTICE OF ADOPTED AMENDMENT(S)

employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in subsections 1060.240(b)(190(b) through (f) of this Section in addition to all other applicable subsections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications and standards are met and provided the school has been in compliance with all rules.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification (or the equivalent classification until April 1, 1992) may teach the drive portion of instruction.

b) Required facilities - All CDL and/or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code [11/ Rev/ Stat/ 1987/ 44/ 95 1/2/ 44r/ 4401 4t 4401/ 625 ILCS 5/Ch. 6, Art. IV] and Section 1060.4050 of this Part. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required course of instruction:

A) Two copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the requirements contained in 49 CFR 383.110-121. If said outlines are constructed along the lines of the requirements contained in 49 CFR 383.110-121, they shall be approved by the Director of the Department.

1) Driving schools must follow the approved CDL classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

- 2) Revised outlines must be submitted in duplicate to the Director of the Department for approval pursuant to subsection (b)(1)(A). A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved.

- B) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films which correspond with the outline described in Section 1060.200(b)(1)(A) of this Part.

- C) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL Study Guide, which are available for the use of students and teachers.

- D) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be offered on an hourly basis, but need not correspond to outlines required in subsection 1060.200(b)(1)(A) (b)(1)(A) above of this Part. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

- E) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

- 1) Each classroom course must have a definite starting date and completion date.

- 2) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

- 3) A CDL Study Guide must be in the possession of each student for the duration of the course, to be used as a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

regular part of the course content, and consistent with the approved course outline.

- 4) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as well as preparation for testing.

- 5) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

- 6) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.

- 7) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period, unless the course is canceled and the student is refunded any fees already paid.

- F) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.

- 1) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.

- 2) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.

- 3) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

c) Classroom teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

1) Required classroom teacher qualifications:

A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.150 and 1060.160 of this Part.

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and physician.

C) A classroom instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Section 6-411 of the Illinois Vehicle Code/ (111/ R#Y/ \$141/ 1987/ 48/ 93 1/2/ 441/ 6411/625 ILCS 5/6-411).

1) Required behind-the-wheel teacher qualifications:

A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.150120 and 1060.150130 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach.

B) The instructor must possess good physical and mental health as determined by a physician. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.

D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2704) as provided for in subsection (c)(1)(C). In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of three (3) years.

2) The driving school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.9060 of this Part.

f) The Secretary of State shall suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with the provisions of this Part or 49 CFR 383.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 09 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers:
177.2000
Adopted Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].
- 5) Effective date of rules: **MAY 06 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: May 4, 1994
- 9) Notice of proposal published in Illinois Register:
December 17, 1993, 17 Ill. Reg. 21305
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with JCAR:
The Department deleted "700-" and "30/" from the Authority Note before the two references to "9(a)."
In Section 177.2000(b), the Department has stricken through "177 of the Illinois Hazardous Materials Transportation Regulations."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes.

This amendment updates the date of incorporation by reference of 49 CFR 177 as of October 1, 1992, and includes the federal rulemakings adopted at 57 FR 47513, October 18, 1992; 57 FR 59308, December 15, 1992; 58 FR 5850, January 22, 1993; 58 FR 50224, September 24, 1993; and 58 FR 50496, September 27, 1993.

By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

HM-181 [57 FR 47513 (October 18, 1992)]
HM-181 [57 FR 59308 (December 15, 1992)]
HM-126F [58 FR 5850 (January 22, 1993)]
HM-181 [58 FR 50224 (September 24, 1993)]
HM-166X [58 FR 50496 (September 27, 1993)]

Docket HM-181 (October 18, 1992) provides editorial and technical revisions to previous rulemakings.

Docket HM-181 (December 15, 1992) makes certain editorial corrections to Hazardous Materials Regulations.

Docket HM-126F (January 22, 1993) delays compliance dates for training requirements and made editorial and technical corrections to final rule of May 15, 1992.

Docket HM-181 (September 24, 1993) amends Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

Docket HM-166X (September 27, 1993) amends Hazardous Materials Regulations to improve safety and to reduce costs to shippers and carriers of hazardous materials.

Section 177.2000(b)(7) is deleted from the regulations. The provisions of 49 CFR 177.804 are applicable to the Illinois Hazardous Materials Transportation Regulations due to the fact that any vehicle which transports placarded hazardous materials is defined as a commercial motor vehicle in 92 Ill. Adm. Code 390.

ILLINOIS REGISTER
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177
CARRIAGE BY PUBLIC HIGHWAY

Section 177.1000 General
177.2000 Incorporation By Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989¹, ch. 95 1/2, pars. 700-4(a) and 9(a)) (430 ILCS 30/4(a) and 9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, P. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. _____, effective ~~MAY 06 1994~~.

Section 177.2000 Incorporation By Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1999²; as amended at 57 FR 47513, October 18, 1992; as amended at 57 FR 59308, December 15, 1992; as amended at 58 FR 5850, January 22, 1993; as amended at 58 FR 50224, September 24, 1993; as amended at 58 FR 50496, September 27, 1993, as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 66124, December 20, 1991, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part-177-of-the-Illinois-Hazardous-Materials-Transportation-Regulations.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.
- 7) ~~Section 177.804 in 49 CFR is deleted and not incorporated.~~

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Numbers:
180.2000
Adopted Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].
- 5) Effective date of rules: **MAY 06 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: May 4, 1994
- 9) Notice of proposal published in Illinois Register:
December 17, 1993, 17 Ill. Reg. 21310
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
The following changes were made in agreement with JCAR:
In the Authority Note, the Department deleted "700-" and "30/" before "9(a)."
In Section 180.2000(b), the Department has stricken through "180 of the Illinois Hazardous Materials Transportation Regulations."
12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes.

This amendment also updates the date of incorporation by reference of 49 CFR 180 as of October 1, 1992 and includes the federal rulemakings adopted at 58 FR 12904, March 8, 1993 and 58 FR 50224, September 24, 1993.

By incorporating this rulemaking by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

HM-183 [58 FR 12904, (March 8, 1993)]
HM-181 [58 FR 50224, (September 24, 1993)]

Docket HM-183 (March 8, 1993) extends the time period, from August 31, 1993 to April 21, 1994, during which cargo tank motor vehicles may continue to be constructed to MC 306, MC 307, MC 312, MC 331, and MC 338 specifications.

Docket HM-181 (September 24, 1993) amends the Hazardous Materials Regulations to update the regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180
CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section
180.1000 General
180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989), ch. 95 1/2, pars. 700-4(a) and 9(a) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. _____, effective MAY 06 1994.

Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that Part of the federal hazardous material transportation regulations was in effect on October 1, 1992; as amended at 58 FR 12904, March 8, 1993; as amended at 58 FR 50224, September 24, 1993, as amended at 56 FR 27872, June 17, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 57 FR 3647, January 6, 1992, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part ~~180~~ ~~of the Illinois Hazardous Materials Transportation Regulations.~~

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous material transportation regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Numbers:

171.4	Renumber
171.5	Amend
171.15	Amend
171.17	Amend, Renumber
171.21	Amend
171.1000	Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

Adopted Action:

Renumber
Amend
Amend
Amend, Renumber
Amend
Amend

5) Effective date of rules: MAY 06 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date filed in agency's principal office: May 4, 1994

9) Notice of proposal published in Illinois Register:

December 17, 1993, 17 Ill. Reg. 21314

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

The Source Note at Section 171.4 was corrected.

Section 171.5 was corrected to say "this Part" instead of "these regulations." Section 171.5(e) was also corrected.

The formatting of Section 171.17 has been corrected. The Section Source note was also corrected.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

In the Table of Contents, the Department inserted:

- "171.6 Agricultural Exception (Renumbered)";
- "171.7 Matter Incorporated by Reference (Repealed)";
- "171.8 Definitions and Abbreviations (Repealed)";
- "171.9 Rules of Construction (Repealed)";
- "171.12 Import and Export Shipments (Repealed)";
- "171.14 Specification Markings (Repealed)";
- "171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)"; and
- "171.19 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)".

The Department deleted the word "(Renumbered)" on the Table of Contents page at Section 171.17.

"700-" and "30/" have been deleted from the Authority Note before the two references to "9(a)."

Section 171.5, first line, has been changed to "This Part."

The word "Part" has been deleted from Section 171.5(d)(7).

"(S)ubsection a or c" in line one of Section 171.5(e) has been changed to "subsections (a) or (c)."

"(O)n" in the last line of Section 171.5(f) has been changed to "an."

The words "Federal Government" are now in lower case in Section 171.15.

The commas before and after "in commerce" in Section 171.17(a) have been deleted.

The comma after "commerce" in Section 171.17(b) has been deleted.

In Sections 171.21(b)(3)(A) & (B), the word "or" has been stricken through.

In the last line of the first paragraph of Section 171.1000(a), "of the federal regulations" has been stricken through.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes. Metric conversions are also included in this rulemaking.

These amendments update the date of incorporation by reference of 49 CFR 171 as of October 1, 1992 and also include the federal rulemakings adopted at 57 FR 47513, October 16, 1992; 57 FR 52930, November 5, 1992; 57 FR 59308, December 15, 1992; 57 FR 60738, December 22, 1992; 58 FR 6864, February 2, 1993; 58 FR 10985, February 23, 1993; 58 FR 33302, June 16, 1993; 58 FR 50224, September 24, 1993; and 58 FR 50496, September 27, 1993.

By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

- HM-181 [57 FR 47513, (October 18, 1992)]
- HM-211 [57 FR 52930, (November 5, 1992)]
- HM-181 [57 FR 59308, (December 15, 1992)]
- HM-215 [57 FR 60738, (December 22, 1992)]
- HM-214 [58 FR 6864, (February 2, 1993)]
- HM-208 [58 FR 10985, (February 23, 1993)]
- HM-214 [58 FR 33302, (June 16, 1993)]
- HM-181 [58 FR 50224, (September 24, 1993)]
- HM-166X [58 FR 50496, (September 27, 1993)]

Docket HM-181 (October 18, 1992) provides editorial and technical revisions to previous rulemakings.

Docket HM-211 (November 5, 1992) amends the Hazardous Materials Regulations by listing and regulating, in all modes of transportation, those materials identified as marine pollutants by the International Maritime Organization.

Docket HM-181 (December 15, 1992) makes certain editorial corrections to Hazardous Materials Regulations.

Docket HM-215 (December 22, 1992) updates a reference in the Hazardous Materials Regulations to the International Maritime Dangerous Goods Code (IMDGC) to include the most recent amendment to the IMDGC.

Docket HM-214 (February 2, 1993) amends the Hazardous Materials Regulations to specify minimum standards for the safe transportation of oil that is currently unregulated, and to require the preparation of plans for preventing and responding to the discharge of oil. This rule is

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

applicable to bulk packagings containing oil, specifically cargo tanks, railroad tank cars and portable tanks.

Docket HM-208 (February 23, 1993) serves as further notification to persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the US DOT.

Docket HM-214 (June 16, 1993) removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more.

Docket HM-181 (September 24, 1993) amends Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

Docket HM-166X (September 27, 1993) amends Hazardous Materials Regulations to improve safety and to reduce costs to shippers and carriers of hazardous materials.

The Department is renumbering Section 171.4 to Section 171.17 to accommodate the November 5, 1992 final rule which established 49 CFR 171.4 as Marine Pollutants.

Section 171.5(a) is amended to correct references made to Class 3 or Division 6.1 noninhalation hazards pursuant to Docket HM-181 - Performance Oriented Packaging Standards.

Section 171.15 is renamed to combine previous Sections 171.15 and 171.17 into one Section. Section 171.17 is renamed "Exemptions" to accommodate the November 5, 1992 final rule which established 49 CFR 171.4 as Marine Pollutants. The Department's previous location for Exemptions was Section 171.4.

Section 171.21 is amended to apply the retailer exception to hazardous materials listed in Table 2 of 49 CFR 172.504(e), provided other provisions are met.

Section 171.1000(a) is amended to update the incorporation by reference of 49 CFR 171. Section 171.1000(b)(8) is deleted to correct references to the federal regulations.

16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171
 GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

- Section
 171.1 Purpose and Scope
 171.2 General Transportation Requirements
 171.3 Hazardous Waste
 171.4 Exemptions (Renumbered)
 171.5 Agricultural Exception
 171.6 Agricultural Exception (Renumbered)
 171.7 Matter Incorporated by Reference (Repealed)
 171.8 Definitions and Abbreviations (Repealed)
 171.9 Rules of Construction (Repealed)
 171.12 Import and Export Shipments (Repealed)
 171.14 Specification Markings (Repealed)
 171.15 Notification and Reporting of Hazardous Materials Incidents
 Incident Reporting Requirements
 171.17 Hazardous Substance Discharge Notification Exemptions
 171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
 171.19 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
 171.21 Retailer Exception
 171.1000 Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989), ch. 95 1/2, pars. 700-4(a) and 9(a) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. _____, effective MAY 06 1994.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 171.4 Exemptions (Renumbered)

- a) No person may offer or accept a hazardous material for transportation in commerce, if that hazardous material is subject to the provisions of an exemption issued by United States Department of Transportation (49 CFR 107) or an exemption issued by the Department (92 Ill. Adm. Code 107) unless the material is offered and accepted in accordance with the terms and conditions of the exemption(s) of this Part.
- b) No person may transport a hazardous material in commerce, if that hazardous material is subject to the provisions of an exemption issued by US DOT or an exemption issued by the Department unless the material is transported in accordance with the terms and conditions of the exemption(s) of this Part.
- c) Exemptions from the regulations governing packages or containers of hazardous materials are subject to the following conditions:
- 1) The outside of each package must be plainly and durably marked "DOT-E" or "IBDT-E" followed by the number assigned;
 - 2) Each shipping paper issued in connection with a shipment made under an exemption must, in association with the entries required by 49 CFR 172.203, bear the notation "DOT-E" or "IBDT-E" followed by the number assigned; and
 - 3) When an exemption is issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the exemption to the carrier before or at the time a shipment is tendered.

(Source: Section 171.4 renumbered to Section 171.17 at 18 Ill. Reg. _____, effective MAY 06 1994)

Section 171.5 Agricultural Exception

These regulations, This Part and Driving and Parking; 92 Ill. Adm. Code 397 do not apply to the transportation of those hazardous materials cited below when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- a) Agricultural pesticides classified as Class B-Poison or Flammable 3 or Division 6.1 noninhalation hazard by these regulations, when moved in quantities of 2,268 kilograms (5,000 pounds) or less (aggregate gross weight) or 1,893 liters (500 gallons) or less volume in solution;
- b) Gasoline, diesel fuels, oils, lubricants, and liquefied petroleum gas, when moved in quantities of 11,356 liters (3,000 gallons) or less and properly placarded in accordance with 92 Ill. Adm. Code 172.504(a).
- c) Ammonium nitrate fertilizer, when moved in quantities of 7,257 kilograms (16,000 pounds) (aggregate gross weight) or less.
- d) Anhydrous ammonia when transported in a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) operated by private carriers exclusively for agricultural purposes, provided the cargo tank:
 - 1) Has a minimum design pressure of 250 per square inch (p.s.i.) and meets the requirements of the ASME code in effect at time of manufacture and is marked accordingly;
 - 2) Is equipped with safety relief valves meeting the requirements of CCA Pamphlet SI.2;
 - 3) Is painted white or aluminum;
 - 4) Has a capacity of 7,571 liters (2,000 gallons) or less;
 - 5) Is loaded to a filling density of 56 percent of water density (85 percent of volume capacity);
 - 6) Is securely mounted on a farm wagon; and
 - 7) Is in conformance with the requirements of 92 Ill. Adm. Code Part 172; except that shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fittings, regulators, gauges, or other appurtenances that prevent the marking and placard from being properly placed and visible.
- e) Formulated agricultural chemicals not listed in subsections (a) or (c) above which are offered for transportation in less-than-case lot quantities, or when repackaged, are not subject to 92 Ill. Adm. Code 172, Subpart D and the outside specification packaging requirements of Part 173 if all of the following conditions are met:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Inside packagings are enclosed in strong outside packagings. Inside liquid packagings are cushioned, if necessary, to prevent breakage and leakage;
- 2) Each inside packaging does not exceed 10 liters (2.6 gallons) ~~2--4--2-gallons~~ capacity for liquids or 15 kilograms (33 pounds) ~~25--pounds~~ for dry materials;
- 3) Gross weight of less-than-case or repackaged lots is not over 50 kilograms (110 pounds) ~~100--pounds~~ in each vehicle;
- 4) Transportation is authorized only be private motor vehicle between a final distribution point and the ultimate point of application, if that distance does not exceed one hundred miles.
- f) Formulated liquid agricultural chemicals in specification packagings of 220 liters (58 gallons) ~~55--gallons~~ capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard ~~an~~ aircraft for aerial application.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994

Section 171.15 Notification-and-Reporting-of-Hazardous-Materials Incidents Incident Reporting Requirements

No special reporting requirements are required by these regulations; however, shippers and carriers are not relieved of their responsibilities to comply with the requirements of any other agency of the State or Federal Government.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

Section 171.17 Hazardous-Substance-Discharge-Notification Exemptions

~~No special reporting requirements are required by these regulations; however, shippers and carriers are not relieved of their responsibilities to comply with the requirements of any other agency of the State or Federal Government.~~

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- a) No person may offer or accept a hazardous material for transportation in commerce if that hazardous material is subject to the provisions of an exemption issued by United States Department of Transportation (US DOT) (49 CFR 107) or an exemption issued by the Department (92 Ill. Adm. Code 107) unless the material is offered and accepted in accordance with the terms and conditions of the exemption(s) or this Part.
- b) No person may transport a hazardous material in commerce if that hazardous material is subject to the provisions of an exemption issued by US DOT or an exemption issued by the Department unless the material is transported in accordance with the terms and conditions of the exemption(s) or this Part.
- c) Exemptions from the regulations governing packages or containers of hazardous materials are subject to the following conditions:
- 1) The outside of each package must be plainly and durably marked "DOT E" or "IDOT E" followed by the number assigned;
 - 2) Each shipping paper issued in connection with a shipment made under an exemption must, in association with the entries required by 49 CFR 172.203, bear the notation "DOT E" or "IDOT E" followed by the number assigned; and
 - 3) When an exemption issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the exemption to the carrier before or at the time a shipment is tendered.

(Source: Section 171.17 renumbered from Section 171.4 and amended at 18 Ill. Reg. _____, effective MAY 06 1994.)

Section 171.21 Retailer Exception

- a) Hazardous materials listed in Table 2 of 49 CFR 172.504(e) which are transported in less than case-lot quantities or when repackaged to comply with the quantity limitations prescribed in subsection (b) are not subject to these regulations if all the following conditions are met:
- 1) Packagings of hazardous materials are enclosed in strong outside packages (49 CFR 171.8), cushioned, if necessary, to prevent breaking and leakage (49 CFR 173.24 (1988)), no further amendments or editions included);

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 2) Gross weight of less-than-case lots and single unit packagings is not over 45 kilograms (100 pounds) per vehicle;
 - 3) Transportation is by private motor vehicle, in intrastate commerce, between a final distribution point and a retail establishment or between a retail establishment and a final end user; and,
 - 4) The distance to be travelled does not exceed 161 kilometers (100 miles).
- b) Each packaging of hazardous materials subject to this exception shall not exceed the quantity limits established below:
- 1) For liquids, 19 liters (5 five gallons).
 - 2) For dry materials, 11 kilograms (25 twenty-five pounds).
 - 3) For compressed gases:
 - A) In containers of not more than four fluid ounces capacity (7.22 cubic inches or less); ~~or~~
 - B) In metal containers, with pressure not exceeding 180 psig at 130°F, not to exceed 27.7 fluid ounces (50 cubic inches); ~~or~~
 - C) For freon, authorized cylinders not to exceed 30 pound capacity; or
 - D) Any other packaging authorized as inside packaging by 92 Ill. Adm. Code 173.306.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994.)

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1990, as amended at 57 FR 47513, October 18, 1992; as amended at 57 FR 52930, November 5, 1992; as amended at 57 FR 59308, December 15, 1992; as amended at 57 FR 60738.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

December 22, 1992; as amended at 58 FR 6864, February 2, 1993; as amended at 58 FR 10985, February 23, 1993; as amended at 58 FR 33302, June 16, 1993; as amended at 58 FR 50224, September 24, 1993; as amended at 58 FR 50496, September 27, 1993, as amended at 55 FR 46794, November 7, 1990; as amended at 55 FR 52403, December 21, 1990; as amended at 56 FR 4616, February 28, 1991; as amended at 56 FR 47158, September 18, 1991; as amended at 56 FR 49830, October 1, 1991; as amended at 56 FR 49980, October 2, 1991; as amended at 56 FR 57560, November 12, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 57 FR 1874, January 10, 1992 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171-6f (the Federal Regulations are Incorporated.

- | | |
|---------|--|
| 171.4 | Marine Pollutants |
| 171.6 | <u>Units-of-Measure</u> |
| 171.7 | Referenced Material |
| 171.8 | Definitions and Abbreviations |
| 171.9 | Rules of Construction |
| 171.10 | <u>Units of Measure</u> |
| 171.11 | Use of ICAO Technical Instructions |
| 171.12 | Import and Export Shipments |
| 171.12a | Canadian Shipments and Packagings |
| 171.14 | Transitional Provisions for Implementing |
| | Requirements Based on the UN Recommendations |
| 171.18 | Continuation of Effectiveness of Existing |
| | Bureau of Explosives Registrations |
| 171.19 | Approvals or Authorizations Issued by the |
| | Bureau of Explosives |
| 171.20 | Submission of Examination Reports |

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part-171-of-the-Illinois-Hazardous-Materials-Transportation-Regulations.

- 11) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
- 12) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 102 through 180 and 397.
- 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.
- 8) ~~The following paragraphs to Section 171.7-"Matter incorporated by reference"-in 49-CFR-are deleted and not incorporated:-171.7(d)(2)-171.7(d)(2)17~~

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 06 1994)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Numbers: Adopted Action:
172.2000 Amend
172.2215 Repeal
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].
- 5) Effective date of rules: **MAY 06 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: May 4, 1994
- 9) Notice of proposal published in Illinois Register:
December 17, 1993, 17 Ill. Reg. 21326
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR:

The Department deleted "700-" and "30/" before "9(a)" in the Authority Note.

The Department corrected the Main Source Note by inserting a semicolon in place of the comma after "effective October 1, 1984."

In Section 172.2000(b), the Department has stricken through the phrase "172 of the Illinois Hazardous Materials Transportation Regulations."

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is including references to the Illinois Compiled Statutes.

Additionally, these amendments update the date of incorporation by reference of 49 CFR 172 as of October 1, 1992 to include the federal rulemakings adopted at 57 FR 47513, October 16, 1992; 57 FR 52930, November 5, 1992; 57 FR 59308, December 15, 1992; 58 FR 3344, January 8, 1993; 58 FR 5850, January 22, 1993; 58 FR 6864, February 2, 1993; 58 FR 8820, February 17, 1993; 58 FR 33302, June 16, 1993; 58 FR 50224, September 24, 1993; and 58 FR 50496, September 27, 1993.

By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

HM-181 [57 FR 47513 (October 18, 1992)]
HM-211 [57 FR 52930 (November 5, 1992)]
HM-181 [57 FR 59308 (December 15, 1992)]
HM-198A [58 FR 3344 (January 8, 1993)]
HM-126F [58 FR 5850 (January 22, 1993)]
HM-214 [58 FR 6864 (February 2, 1993)]
HM-214 [58 FR 8820 (February 17, 1993)]
HM-214 [58 FR 33302 (June 16, 1993)]
HM-181 [58 FR 50224, (September 24, 1993)]
HM-166X [58 FR 50496, (September 27, 1993)]

Docket HM-181 (October 18, 1992) provides editorial and technical revisions to previous rulemakings.

Docket HM-211 (November 5, 1992) amends the Hazardous Materials Regulations by listing and regulating, in all modes of transportation, those materials identified as marine pollutants by the International Maritime Organization.

Docket HM-181 (December 15, 1992) makes certain editorial corrections to the Hazardous Materials Regulations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Docket HM-198A (January 8, 1993) provides regulatory relief from the final rule for materials posing a hazard due to their being offered for transportation or transported at elevated temperatures. It offers exceptions from packaging requirements for asphalt kettles and authorizes continued use of certain packaging now in service for the transportation of elevated temperature materials.

Docket HM-126F (January 22, 1993) delays compliance dates for training requirements and makes editorial and technical corrections to the final rule of May 15, 1992.

Docket HM-214 (February 2, 1993) amends the Hazardous Materials Regulations to specify minimum standards for the safe transportation of oil that is currently unregulated, and requires the preparation of plans for preventing and responding to the discharge of oil. This rule is applicable to bulk packagings containing oil, specifically cargo tanks, railroad tank cars and portable tanks.

Docket HM-214 (February 17, 1993) corrects language in the final rule of February 2, 1993.

Docket HM-214 (June 16, 1993) removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more.

Docket HM-181 (September 24, 1993) amends the Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

Docket HM-166X (September 27, 1993) amends the Hazardous Materials Regulations to improve safety and to reduce costs to shippers and carriers of hazardous materials.

Section 172.2000(b)(7) is added to establish delayed implementation dates for intrastate carriers to comply with hazmat employee training requirements.

Section 172.2215 is repealed from the regulations pursuant to an administrative decision. All shipping papers are permanent and do not need to be addressed in the IHMTR.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172
 HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

Section
 172.1000 General
 172.2000 Incorporation by Reference of 49 CFR 172
 172.2215 Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989), ch. 95 1/2, pars. 700-4(a) and 9(a) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487, 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. _____, effective MAY 06 1994.

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous material transportation regulations was in effect on October 1, 1990; as amended at 57 FR 47513, October 16, 1992; as amended at 57 FR 52930, November 5, 1992; as amended at 57 FR 59308, December 15, 1992; as amended at 58 FR 3344, January 8, 1993; as amended at 58 FR 5850, January 22, 1993; as amended at 58 FR 6864, February 2, 1993; as amended at 58 FR 8820, February 17, 1993; as amended at 58 FR 33302, June 16, 1993; as amended at 58 FR 50224, September

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

24, 1993; as amended at 58 FR 50496, September 27, 1993, as amended at 55 FR 46794, November 7, 1990; as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 197, January 3, 1991; as amended at 56 FR 7312, February 22, 1991; as amended at 56 FR 49807, October 2, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 57 FR 1874, January 16, 1992, subject only to the exceptions in subsection (b) of this Section and Section 172.2215. No later amendments to or editions of 49 CFR 172 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part 172 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.
- 7) The schedule established in Section 172.704 for implementation of a training program is modified as follows:
 - A) Part 172.704(c)(1)(i) is modified to require intrastate hazmat employees employed on or before

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

July 2, 1994 to complete training prior to October 1, 1994.

- B2 Part 172.704(c)(1)(ii) is modified to require intrastate hazmat employees employed after July 2, 1994 to complete training within 90 days after employment.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

Section 172.2215 Permanent Shipping Papers (Repealed)

~~Except for hazardous waste permanent shipping papers may be used for cargo tanks, showing the quantity of material in the tank as the maximum quantity of that hazardous material that could be carried in that tank. All other requirements of this Subpart and 92 Ill. Adm. Code 172.817 must be met.~~

(Source: Repealed at 18 Ill. Reg. _____, effective MAY 06 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Procedures

- 2) Code Citation: 92 Ill. Adm. Code 107

- 3) Section Numbers:

107.3
107.103
107.105
107.111
107.123
107.315
107.317
107.601

Adopted Action:

Amend
Amend
Amend
Amend
Amend
Amend
Add

- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

- 5) Effective date of rules: MAY 06 1994

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) Date filed in agency's principal office: May 4, 1994

- 9) Notice of proposal published in Illinois Register:

December 17, 1993, 17 Ill. Reg. 21333

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

The word "paragraph" has been changed to the word "subsection" in Section 107.123(a).

The dash has been changed to the word "through" in Section 107.315(e).

In the Authority Note, "700-" and "30/" has been deleted from the citations before "9(a)".

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

In the definition of "Enforcement" in Section 107.3, the Department has stricken through "regulations in Subchapter c" and inserted "the Illinois Hazardous Materials Transportation Regulations (IHMTTR)." Also, the Department has stricken through "these regulations" in Subchapter c" and inserted "the IHMTTR."

A definition of "IHMTTR" has been inserted at Section 107.3.

In the definition of "person", in Section 107.3, the Department has stricken through "their" and inserted "its."

In Section 107.103(a), the Department has stricken through "these regulations" and inserted "the IHMTTR," and has stricken through "Illinois requirements" and inserted "IHMTTR."

At Section 107.103(b), the Department initially capped the word "section." Also, the Department has stricken through the dash and inserted a colon.

At Section 107.103(b)(2), the Department has stricken through "regulation" and inserted "IHMTTR."

At the end of Section 107.103(b)(7), the Department has stricken through the period and inserted a semicolon.

At the end of Section 107.103(b)(8), the Department has stricken through the period and inserted a semicolon.

Commas were added after "proposal" and after "applicant" in Section 107.103(b)(9).

In Section 107.103(b)(9)(A), the Department deleted the word "regulation" and inserted the acronym "IHMTTR."

After the word "sought" in Section 107.103(b)(9)(A), the Department has stricken through the comma and inserted a semicolon with underscoring.

In Section 107.103(b)(9)(B), the Department has stricken through "regulations" and inserted "IHMTTR."

At the end of Section 107.105(a), the Department has stricken through the dash and inserted a colon.

At the end of Section 107.105(a)(1), the Department has underlined the semi-colon.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department has, at Section 107.105(a)(5), stricken through the comma following "renewal or" and inserted a comma after "renewal."

The Department has, in Section 107.105(c), stricken through the period following "nature," inserted a comma in its place, placed the word "The" in lower case, and, initially capped the word "Section."

In Section 107.111(b), the Department has initially capped the word "section." Also in Section 107.111(b), the Department has stricken through the dash and inserted a colon with underscoring.

In Section 107.123(a), "paragraph" has been changed to "subsection" and "section" has been initially capped.

In Section 107.315(a), the Department has stricken through "these regulations" and inserted "the IHMTTR."

In Section 107.315(b), the word "Section" is initially capped.

In Section 107.315(b)(1), the Department has stricken through "regulations" and inserted "IHMTTR."

In Section 107.315(b)(2), the Department has stricken through "regulations" and inserted "IHMTTR."

In Section 107.315(b)(7), the Department has stricken through "these regulations" and inserted "the IHMTTR."

In Section 107.315(c), the Department has underlined "by the Director."

Section 107.315(d)(1) has been revised to say "provision(s) of the IHMTTR."

Section 107.315(d)(6) has been changed to "107.318."

In Section 107.317, the Department has corrected the spelling of "Treasurer."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes and corrects the Division of Traffic Safety's mailing address. Additionally, the Department is incorporating by reference 49 CFR 107, Subpart G: "Registration of Persons Who Offer or Transport Hazardous Materials." By incorporating 49 CFR 107, Subpart G by reference, the Department is adding registration requirements to the Illinois Hazardous Materials Transportation Regulations. The Research and Special Programs Administration (RSPA) of the US DOT established these registration requirements at 57 FR 30630, July 9, 1992 as amended at 57 FR 37902, August 21, 1992. These requirements can be found in the October 1, 1992 edition of 49 CFR.

The registration requirements apply to interstate as well as interstate carriers. This rulemaking simply restates what is already required by RSPA, and does not impose any additional registration requirement to that of RSPA.

In addition to incorporating 49 CFR 107 Subpart G as of October 1, 1992, the Department is including the federal rulemakings adopted at 58 FR 10985, February 23, 1993 and 58 FR 12543, March 5, 1993. By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking dockets:

HM-208 [58 FR 10985, February 23, 1993]
HM-208 [58 FR 12543, March 5, 1993]

Docket HM-208 (February 23, 1993) serves as further notification to persons who transport, or offer for transportation, certain hazardous materials of the annual requirement to register with the US DOT.

Docket HM-208 (March 5, 1993) revises certain provisions of the registration program based on a correction contained in the Pipeline Safety Improvement Act of 1992. Provides regulatory relief by permitting payment of registration and processing fees by personal check and by removing a recordkeeping requirement for documents showing payment of these fees.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Cathy Allen
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1135

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 107
PROCEDURES

SUBPART A: GENERAL PROVISIONS

Section
107.1
107.3
107.5
107.11
107.13

Purpose and Scope
Definitions
Request for Confidential Treatment
Service
Subpoenas

SUBPART B: EXEMPTIONS

Section
107.101
107.102
107.103

Purpose and Scope
Persons Holding Federal Exemptions
Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations

107.105
107.107
107.109
107.111
107.117
107.119
107.121
107.123

Application for Renewal
Initial Application Review
Processing of Application
Party to an Exemption
Withdrawal
Termination
Appeal
Availability for Public Inspection

SUBPART D: ENFORCEMENT

Section
107.301
107.303
107.305
107.307
107.308
107.309
107.310
107.311
107.313
107.314

Responsibility for Enforcement
Purpose and Scope
Investigations
Inspection and Examination of Records and Properties
Notice of Apparent Violation
Stopping of Vehicles
Department Review of Notice of Apparent Violation
Warning Letter
Civil Penalties Generally
Maximum Penalties

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

107.315
107.316
107.317
107.318
107.319
107.320
108.321
107.323
107.331
107.333
107.334
107.335
107.336
107.337
107.338
107.339
107.341
107.343
107.371
107.373

Commencement of Civil Penalty Proceeding
Reply
Payment of Penalty
Request for Hearing
Hearing
Presiding Officer's Decision
Assessment Considerations
Appeal
Compliance Orders Generally
Notice of Probable Violation
Reply
Consent Order
Hearing
Presiding Officer's Decision
Compliance Order For Immediate Compliance
Appeal
Injunctions and Other Equitable Relief
Imminent Hazards
Criminal Penalties Generally
Referral for Prosecution

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT
HAZARDOUS MATERIALS

Section
107.601

Incorporation by Reference of 49 CFR 107, Subpart G

APPENDIX A

Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 19879], ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. 8189, effective May 15, 1990; amended at 18 at Ill. Reg. _____, effective **MAY 06 1994**.

SUBPART A: GENERAL PROVISIONS

Section 107.3 Definitions

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

As used in this Part:

"Act" means the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989], ch. 95 1/2, Pars. 700-1 et seq. through 16) [430 ILCS 30/1 through 16].

"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety.

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and regulations in Subchapter of the Illinois Hazardous Materials Transportation Regulations (IHMT) and prosecution of violations of these regulations in Subchapter of the IHMT and the Act.

"IHMT" means the Illinois Hazardous Materials Transportation Regulations.

"Person" means any natural person or individual governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or its legal representative, agent or assigns.

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the State Police.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

SUBPART B: EXEMPTIONS

Section 107.103 Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations

a) Any person who is subject to the requirements of these regulations the IHMT and who transports hazardous materials not governed by the Federal Hazardous Materials Regulations may apply to the Director for an exemption from the Illinois requirements IHMT.

b) Each application filed under this section for an exemption must --

- 1) Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764; 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212;

ILLINOIS DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 2) Set forth the text or substance of the regulation IHMT from which the exemption is sought;
- 3) State the name, address, and telephone number of the applicant;
- 4) Include a detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous exemptions, approvals or permits, a list of specification containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information;
- 5) State the chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture;
- 6) Describe all relevant shipping and accident experience;
- 7) Specify the proposed mode of transportation, identify any increased risks that are likely to result if the exemption is granted, and specify the safety control measures which the applicant considers necessary or appropriate to compensate for those increased risks;
- 8) State that the transportation described in the proposal is not governed by the Federal Hazardous Materials Regulations;
- 9) State why the applicant believes the proposal, including any safety control measures specified by the applicant, will achieve a level of safety which:
 - A) Is at least equal to that specified in the regulation IHMT from which the exemption is sought; or
 - B) If the regulation IHMT do not contain a specified level of safety, will be consistent with the public interest and will adequately protect against the risks of life and property which are inherent in the transportation of hazardous materials in commerce;
- 10) If the applicant seeks to have the application processed on a priority basis, set forth the supporting facts and reasons; and
- 11) To permit timely consideration, an application should be submitted at least 60 days before the requested effective date.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- c) If the applicant wishes to claim confidential treatment for any information contained in the application, the procedures set forth in Section 107.5 apply.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 0 6 1994)

Section 107.105 Application for Renewal

- a) Each application for the renewal of an exemption issued under this subpart must --:
- 1) Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 2300-South-Dixie-Parkway,--Springfield,--Illinois--62764; 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212;
 - 2) Identify the exemption for which a renewal is requested;
 - 3) State the name, address, and telephone number of the applicant;
 - 4) Include:
 - A) A certification by the applicant that the descriptions, technical information, and safety assessment submitted in the original application, or as may have been updated by any subsequent application for renewal, remain accurate and correct, or
 - B) Such amendments to the previously submitted descriptions, technical information and safety assessment as is necessary to update them and assure their accuracy and correctness;
 - 5) Include a statement describing all relevant shipping and all accident experience that has occurred in connection with the exemption since its issuance or most recent renewal, or, if no accidents have been experienced, a certification to that effect. This statement must include the approximate number of shipments made or packages shipped, as the case may be, and the number of shipments or packages involved in any loss of contents, including loss by venting when transporting a compressed or cold temperature gas.
 - b) To permit timely consideration, an application for renewal should be submitted at least 60 days before the expiration date of the exemption.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- c) If, at least 60 days prior to the expiration of an existing exemption of a continuing nature,---, the holder files an application for renewal which is complete and conforms with the requirements of this sSection, the exemption will not be considered to have expired until the application for renewal has been finally determined.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 0 6 1994)

Section 107.111 Party to an Exemption

- a) Any person who desires to apply for the same or substantially the same exemption for which another person has made application may be made a party to that application by filing his own application with the Director, accompanied by a request to have his application considered with the application for exemption of the other person.
- b) Each application filed under this sSection must --:
- 1) Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 2300-South-Dixie-Parkway,--Springfield,--Illinois--62764; 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212;
 - 2) Identify the exemption application or exemption to which the applicant seeks to become a party; and
 - 3) State the name, address and telephone number of the applicant.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 0 6 1994)

Section 107.123 Availability for Public Inspection

- a) Information relevant to an application under this Part, including the application and supporting data, memoranda of any informal meetings with the applicant, and the grant or denial of the application is available for public inspection and copying, except as specified in paragraph subsection (b) of this sSection, at the Division of Traffic Safety, Illinois Department of Transportation, 2300-South-Dixie-Parkway, Springfield, Illinois--62764; 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- b) Information made available for inspection does not include materials which the Director determines should be withheld from public disclosure under Section 107.5.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 0 6 1994)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

SUBPART D: ENFORCEMENT

Section 107.315 Commencement of Civil Penalty Proceeding

- a) The Department, by the Director or his authorized representative, begins a civil penalty proceeding by serving a Notice of Intent to Assess Civil Monetary Penalty, in accordance with Section 107.11, on a person charging that person with having knowingly committed an act which is a violation of one or more provisions of ~~these regulations~~ the IHMTR.
- b) A Notice of Intent to Assess Civil Monetary Penalty issued under this Section shall include:
 - 1) Notice of the provisions(s) of the ~~regulations~~ IHMTR or settlement agreement which the respondent is believed to have violated;
 - 2) A brief description of the manner in which the respondent is believed to have violated the ~~regulations~~ IHMTR or settlement agreement.
 - 3) Notice of the maximum amount of civil penalty for which the respondent may be liable;
 - 4) Notice of the amount of the civil penalty sought to be assessed by the Department; pursuant to 92 Ill. Adm. Code 401;
 - 5) A description of the manner in which the respondent shall make payment in accordance with Section 107.317 of any money to the State;
 - 6) A statement that the respondent may request a conference with the Department, by verbal or written request to the Director, to review and discuss the alleged violation and civil penalty, and of the procedures for requesting a conference; and
 - 7) A statement that if a settlement cannot be reached within 180 days, a Notice of Probable Violation will be served upon the respondent, and the respondent will have an opportunity for a hearing as provided by Section 11 of the Act and ~~these regulations~~ the IHMTR.
- c) In the event that the Department and the respondent do not enter a settlement agreement following service of a Notice of Intent to Assess Civil Monetary Penalty, the Department by the Director shall serve a Notice of Probable Violation on the respondent.
- d) A Notice of Probable Violation issued under this Section includes:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) A statement of the ~~provision(s)~~ of the ~~regulations~~ IHMTR or of a settlement agreement which the respondent is believed to have violated;
- 2) A statement of the factual allegations upon which the proposed civil penalty is being sought;
- 3) Notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) Notice of the amount of the civil penalty sought to be assessed by the Department;
- 5) A description of the manner in which the respondent shall make payment of any money to the State in accordance with Section 107.317;
- 6) A statement of respondent's right to request a hearing and the procedures for requesting a hearing in accordance with Section 107.3178; and
- 7) A statement of respondent's right to appear at the hearing and to present relevant written or oral explanations, information and materials in answer to the allegations or in mitigation of the penalty.
- e) A settlement of a civil penalty proceeding may be effectuated at any time upon agreement of the parties, shall be reduced to writing by the Department and signed by the parties. Terms of the settlement may include a reduction in the amount of the proposed civil penalty, and may include training and procedural requirements agreed upon by the respondent and Department. Training and procedural requirements may be agreed upon to increase awareness of and compliance with 92 Ill. Adm. Code 402-479107 through 180, and 397, and those portions of 49 CFR adopted by reference.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

Section 107.317 Payment of Penalty

- a) Payment of a civil penalty should be made by certified check or money order payable to the Treasurer of the State of Illinois and sent to the Director, Division of Traffic Safety, Illinois Department of Transportation, ~~2300-South-Garfield-Parkway, Springfield, Illinois--62764~~ 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.
- b) At any time after an order assessing a civil penalty is referred to the Attorney General for collection, the respondent may offer to compromise for a specific amount by submitting a certified check or money order for that amount to the Director who, with the consent of the Attorney General, may accept or

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

reject it. If it is accepted, the respondent is notified in writing by the Director that the acceptance is in full settlement of the civil penalty for the violation.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT
HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G

a) 49 CFR 107, Subpart G is hereby incorporated by reference as that Subpart of the Hazardous Materials Transportation Regulations was in effect on October 1, 1992, as amended at 58 FR 10985, February 23, 1993; as amended at 58 FR 12543, March 5, 1993. No later amendments to or editions of 49 CFR 107, Subpart G are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 107, Subpart G shall apply for the purposes of this Subpart.

- 1) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.
- 2) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

(Source: Added at 18 Ill. Reg. _____, effective MAY 06 1994)

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

1) Heading of Part: Shippers General Requirements for Shipments and Packagings

2) Code Citation: 92 Ill. Adm. Code 173

3) Section Numbers: 173.3000 Amend Adopted Action:

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

5) Effective date of rules: MAY 06 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date filed in agency's principal office: May 4, 1994

9) Notice of proposal published in Illinois Register:

December 17, 1993, 17 Ill. Reg. 21345

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

In Section 173.3000(b)(7), the indented paragraph was changed as follows:

The Department deleted the word "those," and put the word "Sections" in lower case in the sixth line. The reference to section "173.24(a)" in the eighth line was deleted. The word "and" was deleted from the eighth line since it was inadvertently typed in twice. The word "Section(s)" is in lower case throughout the indented paragraph. Finally, the phrase, "... to the extent those sections apply." was added at the end of the underscored language.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes.

This amendment also updates the date of incorporation by reference of 49 CFR 173 as of October 1, 1992 and includes the Federal rulemakings adopted at 57 FR 47513, October 18, 1992; 57 FR 52930, November 5, 1992; 58 FR 3344, January 8, 1993; 58 FR 6864, February 2, 1993; 58 FR 12904, March 8, 1993; 58 FR 33302, June 16, 1993; 58 FR 50224, September 24, 1993; and 58 FR 50496, September 27, 1993.

By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

HM-181 [57 FR 47513 (October 18, 1992)]
 HM-211 [57 FR 52930 (November 5, 1992)]
 HM-198A [58 FR 3344 (January 8, 1993)]
 HM-214 [58 FR 6864 (February 2, 1993)]
 HM-183 [58 FR 12904 (March 8, 1993)]
 HM-214 [58 FR 33302 (June 16, 1993)]
 HM-181 [58 FR 50224 (September 24, 1993)]
 HM-166X [58 FR 50496 (September 27, 1993)]

Docket HM-181 (October 18, 1992) provides editorial and technical revisions to previous rulemakings.

Docket HM-211 (November 5, 1992) amends the Hazardous Materials Regulations by listing and regulating, in all modes of transportation, those materials identified as marine pollutants by the International Maritime Organization.

Docket HM-198A (January 8, 1993) provides regulatory relief from the final rule for materials posing a hazard due to their being offered for transportation or transported at elevated temperatures. It offers exceptions from packaging requirements for asphalt kettles and authorizes continued use of certain packaging now in service for the transportation of elevated temperature materials.

Docket HM-214 (February 2, 1993) amends the Hazardous Materials Regulations to specify minimum standards for the safe transportation of oil that is currently unregulated, and to require the preparation of plans

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

for preventing and responding to the discharge of oil. This rule is applicable to bulk packagings containing oil, specifically cargo tanks, railroad tank cars and portable tanks.

Docket HM-183 (March 8, 1993) extends the time period, from August 31, 1993 to April 21, 1994, during which cargo tank motor vehicles may continue to be constructed to MC 306, MC 307, MC 312, MC 331, and MC 338 specifications.

Docket HM-214 (June 16, 1993) removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more.

Docket HM-181 (September 24, 1993) amends the Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

Docket HM-166X (September 27, 1993) amends the Hazardous Materials Regulations to improve safety and to reduce costs to shippers and carriers of hazardous materials.

Additionally, Sections 173.3000(b)(6) and (b)(8) are amended to reference changes made to the federal regulations.

Section 173.3000(b)(7) is amended to include a metric conversion. This subsection is also amended to apply packaging, placarding, loading and unloading, parking and smoking regulations to gasoline being transported in packagings having a rated capacity of 416 liters (110 gallons) or less. 41 Ill. Adm. Code 170.15(c) was incorrectly referenced and does not contain the exceptions.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
 Regulations and Training Unit
 Illinois Department of Transportation
 Division of Traffic Safety
 P. O. Box 19212
 Springfield, Illinois 62794-9212
 (217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 173
 SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section 173.2000 General
 173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715; effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 11, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective ~~WAY 08 1993~~ 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1990; as amended at 57 FR 47513, October 18, 1992; as amended at 57 FR 52930, November 5, 1992; as amended at 58 FR 3344, January 8, 1993; as amended at 58 FR 6864, February 2, 1993; as amended at 58 FR 12904, March 8, 1993; as amended at 58 FR 33302, June 16, 1993; as amended at 58 FR 50224, September 24, 1993; as amended at 58 FR 50496, September 27, 1993, as amended at 55 FR 53402, December 21, 1990; as amended at 56 FR 197, January 3, 1991; as amended at 56 FR 7312, February 22, 1991; as amended at 56 FR

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

8616, February 28, 1991; as amended at 56 FR 22872, June 17, 1991; as amended at 56 FR 49807, October 27, 1991; as amended at 56 FR 55471, October 28, 1991; as amended at 56 FR 57560, November 12, 1991; as amended at 56 FR 65541, December 17, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 56 FR 67542, December 31, 1991; as amended at 57 FR 1874, January 16, 1992, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part--~~the Illinois Hazardous Materials Transportation Regulations.~~

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to parts 174, 175 or 176 or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Section 173.24(c)~~(4)(v)(3)~~ is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

The markings in this section are not required for a surface moisture/density gauge transported as Radioactive Materials, Special Form, N.O.S., when accompanied by a shipping paper which contains (or is accompanied by) a signed statement or certification

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

from the manufacturer of the gauge attesting that the gauge construction complies with all package specifications set forth in Section 173.415 and 173.416, except those that pertain to marking.

- 7) Section 173.150(g) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

Gasoline being transported in a packaging having a rated capacity of 416 liters (110 gallons) or less, which is in compliance with the rules of the Office of the State Fire Marshal, 41 Ill. Adm. Code 170.15(c), is not subject to Subchapter c of these regulations except for sections ~~referenced in 41-----Adm-----Code-----170.15(c), 172.504(a) placarding, 173.24 and 173.28 which cover standard requirements for all packages and the reuse of packaging, section 177.837 regarding the loading and unloading of flammable liquids, and sections 397.7 and 397.13 covering parking and smoking, to the extent those sections apply.~~

- 8) Section 173.315(a)(4) Note 17 is deleted from the federal regulations and a new Section 173.315(a)(4) Note 17 is added to the Illinois regulations to read as follows: Specifications MC 330 and MC 331 cargo tanks, with a design service pressure of 250 p.s.i.g., built in compliance with the Federal ICC or Federal DOT regulations at the time of manufacture, which meet all other design and testing requirements specified by Part 180 for cargo tanks in anhydrous ammonia service, and which have been in anhydrous ammonia service in Illinois before February 1, 1979, may continue to be used in such service. No cargo tank that has not been in anhydrous ammonia service in Illinois before February 1, 1979, may be placed in such service in Illinois after that date unless it meets all requirements of the specifications, including a minimum design service pressure of 265 p.s.i.g.

- 9) Section 173.315(k) in 49 CFR is deleted and not incorporated.

- 10) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Specifications for Packaging

- 2) Code Citation: 92 Ill. Adm. Code 178

- 3) Section Numbers:

178.2000

Amend

Adopted Action:

- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

- 5) Effective date of rules: **MAY 06 1994**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

- 8) Date filed in agency's principal office: May 4, 1994

- 9) Notice of proposal published in Illinois Register:

December 17, 1993, 17 Ill. Reg. 21351

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR:

In the Table of Contents, the Department inserted Sections 178.337 through 178.350.0.3, Appendix D and Tables A and B.

The Department deleted "700" and "30/" before the two references to "9(a)" in the Authority Note.

In Section 178.2000(f), the Department has stricken through "178 of the Illinois Hazardous Materials Transportation Regulations."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule currently in effect? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes.

Additionally, this amendment updates the date of incorporation by reference of 49 CFR 178 as of October 1, 1992 and includes the federal rulemakings adopted at 58 FR 12904, March 8, 1993; 58 FR 33302, June 16, 1993; 58 FR 50224, September 24, 1993; and 58 FR 50496, September 27, 1993.

By incorporating these rulemakings by reference, the Department's regulations will incorporate changes made in rulemaking Dockets:

- HM-183 [58 FR 12904, (March 8, 1993)]
- HM-214 [58 FR 33302, (June 16, 1993)]
- HM-181 [58 FR 50224, (September 24, 1993)]
- HM-166X [58 FR 50496, (September 27, 1993)]

Docket HM-183 (March 8, 1993) extends the time period, from August 31, 1993 to April 21, 1994, during which cargo tank motor vehicles may continue to be constructed to MC 306, MC 307, MC 312, MC 331, and MC 338 specifications.

Docket HM-214 (June 16, 1993) removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more.

Docket HM-181 (September 24, 1993) amends Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

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- HM-183 [58 FR 12904, (March 8, 1993)]
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DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

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Docket HM-214 (June 16, 1993) removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more.

Docket HM-181 (September 24, 1993) amends Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

Docket HM-166X (September 27, 1993) amends Hazardous Materials Regulations to improve safety and to reduce costs to shippers and carriers of hazardous materials.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178
 SPECIFICATIONS FOR PACKAGINGS

Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily for the Transportation of Flammable Liquids or Poisonous Liquids, Class 8

Section
 178.321

178.321.0.1	[178.321-1] General Requirements
178.321.0.2	[178.321-2] Material
178.321.0.3	[178.321-3] Thickness
178.321.0.4	[178.321-4] Joints
178.321.0.5	[178.321-5] Bulkheads, Baffles, and Ring Stiffeners
178.321.0.6	[178.321-6] Closures for Manholes
178.321.0.7	[178.321-7] Overturn Protection
178.321.0.8	[178.321-8] Outlets
178.321.0.9	[178.321-9] Vents, Valves, and Connections
178.321.1.0	[178.321-10] Protection of Fittings
178.321.1.1	[178.321-11] Emergency Discharge Control
178.321.1.2	[178.321-12] Shear Section
178.321.1.3	[178.321-13] Anchoring of Tank
178.321.1.4	[178.321-14] Gauging Devices
178.321.1.5	[178.321-15] Pumps
178.321.1.6	[178.321-16] Testing Requirements
178.321.1.7	[178.321-17] Marking of Cargo Tanks
178.321.1.8	[178.321-18] Certification
178.322	Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B
178.322.0.1	[178.322-1] General Requirements
178.322.0.3	[178.322-3] Certification
178.322.0.5	[178.322-5] Marking of Cargo Tanks
178.322.0.9	[178.322-9] Testing Requirements
178.322.1.1	[178.322-11] Material
178.322.1.2	[178.322-12] Thickness of Sheets and Ring Stiffeners
178.322.1.3	[178.322-13] Tolerance
178.322.1.4	[178.322-14] Joints

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

[178.322-17] Tank Outlets

[178.322-18] Bulkheads, Baffles, and Ring Stiffeners

[178.322-19] Tank Vents

[178.322-20] Valve and Faucet Connections

[178.322-21] Emergency Discharge Control

[178.322-22] Shear Section

[178.322-23] Protection of Valves and Faucets

[178.322-24] Overturn Protection

Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM 8209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class 8

178.323.0.1	[178.323-1] General Requirements
178.323.0.2	[178.323-2] Material
178.323.0.3	[178.323-3] Thickness of Metal
178.323.0.4	[178.323-4] Joints
178.323.0.5	[178.323-5] Bulkheads, Baffles, and Ring Stiffeners
178.323.0.6	[178.323-6] Closures for Manholes
178.323.0.7	[178.323-7] Overturn Protection
178.323.0.8	[178.323-8] Tank Outlets
178.323.0.9	[178.323-9] Vents, Valves, and Connections
178.323.1.0	[178.323-10] Protection of Fittings
178.323.1.1	[178.323-11] Emergency Discharge Control
178.323.1.2	[178.323-12] Shear Section
178.323.1.3	[178.323-13] Anchoring of Tank
178.323.1.4	[178.323-14] Gauging Devices
178.323.1.5	[178.323-15] Pumps
178.323.1.6	[178.323-16] Testing Requirements
178.323.1.7	[178.323-17] Marking of Cargo Tanks
178.323.1.8	[178.323-18] Certification
178.324	Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
178.324.0.1	[178.324-1] General Requirements
178.324.0.2	[178.324-2] Material
178.324.0.3	[178.324-3] Thickness of Metal
178.324.0.4	[178.324-4] Joints
178.324.0.5	[178.324-5] Bulkheads, Baffles, and Ring Stiffeners
178.324.0.6	[178.324-6] Closures for Manholes
178.324.0.7	[178.324-7] Overturn Protection
178.324.0.8	[178.324-8] Outlets
178.324.0.9	[178.324-9] Vents, Valves, and Connections
178.324.1.0	[178.324-10] Protection of Fittings
178.324.1.1	[178.324-11] Emergency Discharge Control
178.324.1.2	[178.324-12] Shear Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.324.1.3 [178.324-13] Anchoring of Tank
 178.324.1.4 [178.324-14] Gauging Devices
 178.324.1.5 [178.324-15] Pumps
 178.324.1.6 [178.324-16] Testing Requirements
 178.324.1.7 [178.324-17] Marking of Cargo Tanks
 178.324.1.8 [178.324-18] Certification
 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open
 Hearth or 8-lue Annealed) Steel, Welded Ferrous Alloy
 (High-Tensile) Steel, or Aluminum, Primarily For the
 Transportation of Flammable Liquids, or Poisonous Liquids,
 Class 8, Having Reid (ASTM D-323) Vapor Pressures of 18
 PSIA or More at 100 degrees F., But Less Than Those Stated
 in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
 178.325.0.1 [178.325-1] General Requirements
 178.325.0.2 [178.325-2] Material
 178.325.0.3 [178.325-3] Thickness of Metal
 178.325.0.4 [178.325-4] Joints
 178.325.0.5 [178.325-5] Bulkheads, 8affles, and Ring Stiffeners
 178.325.0.6 [178.325-6] Closures for Manholes
 178.325.0.7 [178.325-7] Overtum Protection
 178.325.0.8 [178.325-8] Tank Outlets
 178.325.0.9 [178.325-9] Safety Relief Devices, Valves, and Connections
 178.325.1.0 [178.325-10] Protection of Fittings
 178.325.1.1 [178.325-11] Emergency Discharge Control
 178.325.1.2 [178.325-12] Shear Section
 178.325.1.3 [178.325-13] Anchoring of Cargo Tank
 178.325.1.4 [178.325-14] Gauging Devices
 178.325.1.5 [178.325-15] Pumps
 178.325.1.6 [178.325-16] Testing Requirements
 178.325.1.7 [178.325-17] Marking of Cargo Tanks
 178.325.1.8 [178.325-18] Certification
 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum
 Alloys for High-Strength Welded Construction, Primarily For
 the Transportation of Flammable Liquids, or Poisonous
 Liquids, Class 8
 178.326.0.1 [178.326-1] General Requirements
 178.326.0.2 [178.326-2] Material
 178.326.0.3 [178.326-3] Thickness of Sheets
 178.326.0.4 [178.326-4] Joints
 178.326.0.5 [178.326-5] Bulkheads, 8affles, and Ring Stiffeners
 178.326.0.6 [178.326-6] Closures for Manholes
 178.326.0.7 [178.326-7] Overtum Protection
 178.326.0.8 [178.326-8] Tank Outlets
 178.326.0.9 [178.326-9] Vents, Valves, and Connections
 178.326.1.0 [178.326-10] Protection of Fittings
 178.326.1.1 [178.326-11] Emergency Discharge Control

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.326.1.2 [178.326-12] Shear Section
 178.326.1.3 [178.326-13] Anchoring of Cargo Tank
 178.326.1.4 [178.326-14] Gauging Devices
 178.326.1.5 [178.326-15] Pumps
 178.326.1.6 [178.326-16] Testing Requirements
 178.326.1.7 [178.326-17] Marking of Cargo Tanks
 178.326.1.8 [178.326-18] Certification
 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous
 Materials, Primarily For the Transportation of Corrosive
 Liquids
 178.330.0.1 [178.330-1] General Requirements
 178.330.0.2 [178.330-2] Material
 178.330.0.3 [178.330-3] Thickness of Metal
 178.330.0.4 [178.330-4] Joints
 178.330.0.5 [178.330-5] Bulkheads, 8affles, and Ring Stiffeners, Tank
 Supports, and Compartmentation
 178.330.0.6 [178.330-6] Closures for Manholes
 178.330.0.7 [178.330-7] Overtum Protection
 178.330.0.8 [178.330-8] Outlets
 178.330.0.9 [178.330-9] Vents, Valves, and Connections
 178.330.1.0 [178.330-10] Protection of Fittings
 178.330.1.1 [178.330-11] Emergency Discharge Control
 178.330.1.2 [178.330-12] Shear Section
 178.330.1.3 [178.330-13] Anchoring of Tank
 178.330.1.4 [178.330-14] Gauging Devices
 178.330.1.5 [178.330-15] Pumps and Compressors
 178.330.1.6 [178.330-16] Testing Requirements
 178.330.1.7 [178.330-17] Marking of Cargo Tanks
 178.330.1.8 [178.330-18] Certification
 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous
 Metals or Aluminum, Primarily for the Transportation of
 Corrosive Liquids
 178.331.0.1 [178.331-1] General Requirements
 178.331.0.2 [178.331-2] Material
 178.331.0.3 [178.331-3] Thickness of Metal
 178.331.0.4 [178.331-4] Joints
 178.331.0.5 [178.331-5] Bulkheads, 8affles, and Ring Stiffeners, Tank
 Supports, and Compartmentation
 178.331.0.6 [178.331-6] Closures for Manholes
 178.331.0.7 [178.331-7] Overtum Protection
 178.331.0.8 [178.331-8] Outlets
 178.331.0.9 [178.331-9] Vents, Valves, and Connections
 178.331.1.0 [178.331-10] Protection of Fittings
 178.331.1.1 [178.331-11] Emergency Discharge Control
 178.331.1.2 [178.331-12] Shear Section
 178.331.1.3 [178.331-13] Anchoring of Tank

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.331.1.4 [178.331-14] Gauging Devices
 178.331.1.5 [178.331-15] Pumps and Compressors
 178.331.1.6 [178.331-16] Testing Requirements
 178.331.1.7 [178.331-17] Marking of Cargo Tanks
 178.331.1.8 [178.331-18] Certification
 178.336 Primarily for Transportation of Compressed Gases
 178.336 [178.336-1] General Requirements
 178.336.0.1 [178.336-2] Material
 178.336.0.2 [178.336-3] Thickness of Metal
 178.336.0.3 [178.336-4] Joints
 178.336.0.4 [178.336-5] Bulkheads, Baffles, and Ring Stiffeners
 178.336.0.5 [178.336-6] Closures for Manholes
 178.336.0.6 [178.336-7] Overturn Protection
 178.336.0.7 [178.336-8] Outlets
 178.336.0.8 [178.336-9] Safety Relief Devices, Valves, and Connections
 178.336.0.9 [178.336-10] Protection of Fittings
 178.336.1.0 [178.336-11] Emergency Discharge Control
 178.336.1.1 [178.336-12] Shear Section
 178.336.1.2 [178.336-13] Anchoring of Cargo Tank
 178.336.1.3 [178.336-14] Gauging Devices
 178.336.1.4 [178.336-15] Pumps and Compressors
 178.336.1.5 [178.336-16] Testing Requirements
 178.336.1.6 [178.336-17] Marking of Cargo Tanks
 178.336.1.7 [178.336-18] Certification
 178.336.1.8 [178.336-19] Specification MC 331; Cargo Tanks Constructed of Steel, Defined in the Compressed Gas Section of Compressed Gases, As
 178.337 Primarily For Transportation of Compressed Gases, As
 178.337 [178.337-1] General Requirements
 178.337.0.1 [178.337-2] Material (Repealed)
 178.337.0.2 [178.337-3] Thickness of Tank Metal (Repealed)
 178.337.0.3 [178.337-4] Joints (Repealed)
 178.337.0.4 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
 178.337.0.5 [178.337-6] Closures for Manholes (Repealed)
 178.337.0.6 [178.337-7] Overturn Protection (Repealed)
 178.337.0.7 [178.337-8] Outlets (Repealed)
 178.337.0.8 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
 178.337.0.9 [178.337-10] Protection of Fittings (Repealed)
 178.337.1.0 [178.337-11] Emergency Discharge Control (Repealed)
 178.337.1.1 [178.337-12] Shear Section (Repealed)
 178.337.1.2 [178.337-13] Supporting and Anchoring (Repealed)
 178.337.1.3 [178.337-14] Gauging Devices (Repealed)
 178.337.1.4 [178.337-15] Pumps and Compressors (Repealed)
 178.337.1.5 [178.337-16] Testing (Repealed)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.337.1.7 [178.337-17] Marking (Repealed)
 178.337.1.8 [178.337-18] Certification (Repealed)
 178.340 General Design and Construction Requirements Applicable to Specification MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
 178.340.0.1 [178.340-1] Specification Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
 178.340.0.2 [178.340-2] General Requirements (Repealed)
 178.340.0.3 [178.340-3] Material (Repealed)
 178.340.0.4 [178.340-4] Structural Integrity (Repealed)
 178.340.0.5 [178.340-5] Joints (Repealed)
 178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)
 178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)
 178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)
 178.340.0.9 [178.340-9] Pumps (Repealed)
 178.340.1.0 [178.340-10] Certification (Repealed)
 178.341 Specification MC 306; Cargo Tanks (Repealed)
 178.341.0.1 [178.341-1] General Requirements (Repealed)
 178.341.0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
 178.341.0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)
 178.341.0.4 [178.341-4] Vents (Repealed)
 178.341.0.5 [178.341-5] Emergency Flow Control (Repealed)
 178.341.0.6 [178.341-6] Gauging Devices (Repealed)
 178.341.0.7 [178.341-7] Method of Test (Repealed)
 178.342 Specification MC 307; Cargo Tanks (Repealed)
 178.342.0.1 [178.342-1] General Requirements (Repealed)
 178.342.0.2 [178.342-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
 178.342.0.3 [178.342-3] Closures for Fill Openings and Manholes (Repealed)
 178.342.0.4 [178.342-4] Vents (Repealed)
 178.342.0.5 [178.342-5] Emergency Flow Control (Repealed)
 178.342.0.6 [178.342-6] Gauging Devices (Repealed)
 178.342.0.7 [178.342-7] Method of Test (Repealed)
 178.343 Specification MC 312; Cargo Tanks (Repealed)
 178.343.0.1 [178.343-1] General Requirements (Repealed)
 178.343.0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)
 178.343.0.4 [178.343-4] Vents (Repealed)
 178.343.0.5 [178.343-5] Outlets (Repealed)
 178.343.0.6 [178.343-6] Gauging Devices (Repealed)
 178.343.0.7 [178.343-7] Method of Test (Repealed)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.350 Specification 7A; General Packaging, Type A (Repealed)
 178.350.0.1 [178.350-1] General Requirements (Repealed)
 178.350.0.2 [178.350-2] Specific Requirements (Repealed)
 178.350.0.3 [178.35-3] Marking (Repealed)
 178.1000 General
 178.1000 Incorporation By Reference of 49 CFR 178

APPENDIX C Tensile Specimen
 APPENDIX D Material Thickness (Repealed)
 TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
 TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989⁹], ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. _____, effective MAY 06 1994.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation by Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 178 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1990⁹; as amended at 58 FR 12904, March 8, 1993; as amended at 58 FR 33302, June 16, 1993; as amended at 58 FR 50224, September 24, 1993; as amended at 58 FR 50496, September 27, 1993, as amended at 55 FR-52402, December 21, 1990; as amended at 56 FR-27872, June 12, 1991; as amended at 56 FR-46354, September 11, 1991; as amended at 56 FR-66124, December 20, 1991, subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part-~~178-of-the Illinois-Hazardous-Materials-Transportation-Regulations~~.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to parts 174, 175 or 176, or to sections therein shall be read to refer to those parts of sections in the federal hazardous materials transportation regulations.

(Source: Amended at 18 Ill. Reg. _____, effective MAY 06 1994.)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Numbers:
- 179.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].
- 5) Effective date of rules: MAY 06 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

- 8) Date filed in agency's principal office: May 4, 1994

- 9) Notice of proposal published in Illinois Register:

December 17, 1993, 17 Ill. Reg. 21362

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

The following changes were made in agreement with JCAR:

In the Authority Note, the Department deleted "700-" and "30/" before "9(a)."

In Section 179.2000(b), the Department has stricken through "179 of the Illinois Hazardous Materials Transportation Regulations."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department includes references to the Illinois Compiled Statutes.

This amendment also updates the date of incorporation by reference of 49 CFR 179 as of October 1, 1992 and includes the federal rulemaking adopted at 58 FR 50224, September 24, 1993.

By incorporating this rulemaking by reference, the Department's regulations will incorporate changes made in rulemaking Docket:

HM-181 [58 FR 50224 (September 24, 1993)]

Docket HM-181 (September 24, 1993) amends the Hazardous Materials Regulations to update regulations and relax certain regulatory requirements to reduce unnecessary economic burdens.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Regulations and Training Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179
 SPECIFICATIONS FOR TANK CARS

Section

179.1000 General

179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989⁹¹, ch. 95 1/2, pars. 700-4(a) and 9(a)) [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. _____, effective _____, MAY 06 1994.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1990⁹²; as amended at 58 FR 50224, September 24, 1993, and as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 66124, December 20, 1991, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General
 179.2 Definitions and abbreviations
 179.5 Certificate of Construction
 179.6 Repairs and alterations
 179.10 Tank mounting
 179.11 Welding certification

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

179.12 Interior heater systems
 179.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW).
 179.301 Individual specification requirements for multi-unit tank car tanks.

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part. ~~179 of the Illinois Hazardous Materials Transportation Regulations~~

1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to 179.3 shall mean 49 CFR 179.3.

4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 18 Ill. Reg. _____, effective _____, MAY 06 1994)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Numbers:

1001.410	Amend
1001.441	New
1001.442	New
1001.443	New
- 4) Statutory Authority: Authorized by Illinois Vehicle Code, 625 ILCS 5/11-501, as amended by P.A. 88-238, effective January 1, 1994
- 5) Effective Date: May 10, 1994
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire.
This emergency amendment will expire with the adoption of proposed amendments at the end of the regular rulemaking process.
- 7) Date filed in Agency's Principal Office: May 10, 1994
- 8) Reason for Emergency: The subject regulations are necessary to define the parameters and restrictions to be utilized in the grant or denial of relief as applicable to certain recidivist DUI offenders seeking to secure driving privileges wherein utilization of an interlock device on the automobile is to be considered by the Secretary pursuant to Public Act 88-238 (eff. January 1, 1994).
The regulations set forth the specific criteria to be utilized in the Secretary's discretionary denial of relief to unfit applicants whom would threaten the public safety and welfare of Illinois motorists.
- 9) A Complete Description of the Subjects and Issues Involved:
The proposed additions to Section 1001.400 et seq implement the Breath Alcohol Ignition Interlock Device Pilot Program and integrate the provisions of the program with the existing rules governing hearings for individuals who have lost their driving privileges due to an alcohol related

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

suspension or revocation. The program was authorized by Public Act 88-238 (eff. January 1, 1994).

Proposed Section 1001.441 describes the Program, identifies the Petitioner's it will apply to, and sets forth the manner in which reports generated by the interlock device will be used to monitor the performance of the permittee, including the conditions under which permits can be cancelled based upon the drivers performance as indicated in the monitor reports. The Section also sets forth the duties and responsibilities of the individual required to have a device installed as a condition of their being granted a Restricted Driving Permit.

Section 1001-442 established the responsibilities of manufacturers whose devices will be utilized in the program and the capabilities which the devices must have in order to be approved for use. The procedure for a manufacturer to seek approval is set forth as is the authority for the Department of Public Health to inspect and monitor the manufacturers, their agents, and the actual devices. The Section also contains provisions for disqualifying a manufacturer or a device.

Section 1001-443 sets forth the responsibilities of installers as well as the equipment, training, and knowledge applicable to them. The provisions for the termination of an installer's certification are also set forth.

Section 1001-410 is amended to provide the definition of terms related to the program.

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: None
- 12) Information and questions regarding this emergency amendment shall be directed to:

Jay Mesi, Senior Legal Advisor
Department of Administrative Hearings
288 Howlett Building
Springfield, Illinois 62756

The full text of the emergency amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001

PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Location; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Records and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

1001.360	Decisions
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	
1001.400	Applicability
1001.410	Definitions
EMERGENCY	
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d), 6-206(a)1, 6-206(a)6, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201, 6-203, 6-203.1 and 6-11-501.1
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
EMERGENCY	
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification
EMERGENCY	
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgement Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-205, 6-206, and 6-108 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118) [625 ILCS 5/ 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, 2-118]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101) [625 ILCS 5/ 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, and 7-101]. Subpart C implementing Sections 6-205(c) and 6-203(c)3 and authorized by Sections 2-103 and 2-104 of Chapter 95 1/2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 6-205(c), and 6-206(c)3 [625 ILCS 5/ 2-103, 2-104, 6-205(c), and 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-104, 6-103, 6-205(c), 6-206(c)3, and 6-208) [625 ILCS 5/ 2-104, 6-103, 6-205(c), 6-206(c)3, 6-208, and 11-501]. Subpart E implementing Sections 6-906, 6-908, 2-113, 2-118, 2-123, 6-103 and 6-201 and authorized by Sections 2-103, 2-104, 6-906 and 6-909 of Chapter 95 1/2 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909) [625 ILCS 5/ 2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989, amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 18 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days.

NOTE: Capitalization denotes Statutory language.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address, and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution, which course is either vocational in nature, or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school, or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the Petitioner's driving record contains a prior DUI disposition within the last ten (10) years for which the Petitioner did not or was not required to

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the Petitioner may be a user of alcohol or any other drug to a degree which renders such a person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code).

"Alcohol and Drug Evaluation (out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and Drug Evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2056.305) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the Petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1004.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and Drug Related Driver Remedial Program" means an education program concerning the effects of alcohol/drugs on drivers of motor vehicles, which conforms to the standards established by DASA. (See 77 Ill. Adm. Code Subpart D).

"Alcohol Setpoint" means the minimum or nominal BrAC (0.02), at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

"BAIID Eligible Petitioner" means an Illinois resident who is in any one of the following populations:

- 1) Any recidivist as defined in this Subpart;
- 2) Any individual classified Level III Dependent with at least six (6) but less than twelve (12) months of abstinence from alcohol and/or drugs;
- 3) Any individual with three (3) DUI dispositions if:

A) The last DUI arrest occurred within the three (3) year period preceding the date of the hearing; or,

B) Any one of the DUI dispositions involved a BrAC or BAC of 0.20 or more;

- 4) Any individual with four (4) or more DUI dispositions.

A BAIID Eligible Petitioner shall not include anyone in the above populations if the BAIID Eligible Petitioner had a hearing and was granted a RDP prior to the effective date of this Subsection, and was eventually issued a RDP as a result of that hearing, as long as that BAIID Eligible Petitioner does not receive a DUI disposition subsequent to the issuance of that RDP.

"BAIID Permittee" means a BAIID Eligible Petitioner who has been issued a RDP as a result of a hearing conducted under the Program.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol set point the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol set point

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

the vehicle will be prohibited from starting. The unit or combination of units to be approved by the Secretary, in consultation with DPH, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certificate" means evidence issued by the manufacturer to an individual as proof of his authority and competence to install, accuracy check, calibrate and/or maintain ignition interlock devices.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Circumvention" means an overt, conscious effort to bypass the BAID whether by providing samples other than the natural unfiltered breath of the driver, or by starting the vehicle without using the ignition switch, or any other act intended to start the vehicle without first taking and passing a breath test and thus permitting a driver with a BrAC in excess of the alcohol setpoint to start the vehicle.

"Clinical Impression" means a qualified professional's (See definition of "Alcohol or Drug Evaluation") interpretation of specific data, which is obtained during the treatment process, regarding the effectiveness of treatment provided.

"DASA" means the Illinois Department of Alcoholism and Substance Abuse.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a Petitioner's driving problem as evidenced by the Petitioner's abstract. (See Section 6-205(c) and 6-206(c)3 of the Code).

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

"Device" means a breath alcohol ignition interlock device approved by the Secretary after consultation with DPH.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc. from individuals who have regular, frequent contacts with the Petitioner (e.g. spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the Petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. Said Compact has been codified in Illinois and is found in Chapter 6, Article VII, of the Code.

"DPH" means the Illinois Department of Public Health.

"DUI" means driving under the influence.

"DUI Disposition" means any conviction or supervision for DUI, or any conviction of reckless driving reduced from DUI, and any statutory summary suspension or implied consent suspension.

"Employ" or "Employed" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by DASA. (See 77 Ill. Adm. Code 2056.1). A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with section 1001.440(a)(6)(A) of this Subpart.

NOTICE OF EMERGENCY AMENDMENTS

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first thirty (30) days after initial installation of the device. Obtaining and analyzing this report will also serve to help instruct the BAIID permittee on how to correctly use the device when the report indicates deficiencies in performance.

"Inspector" means an individual who through specialized training is certified by one manufacturer to examine, certify, and maintain devices. The individual shall have an extensive background in breath analysis instrumentation.

"Installer" means an individual trained and certified by a BAIID manufacturer to install and/or maintain a device and employed by a recognized service provider, vendor or manufacturer.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Level I - Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI, and a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310).

"Level II - Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has no prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and a blood alcohol concentration (BAC) of .15 to .19 or a refusal

NOTICE OF EMERGENCY AMENDMENTS

of chemical testing as a result of the most current arrest for DUI, and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2056.310).

"Level II - Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner who has a prior conviction or court ordered supervision for DUI or statutory summary suspension or reckless driving conviction reduced from DUI and/or a blood alcohol concentration (BAC) or .20 or higher as a result of the most current arrest for DUI and/or other symptoms of substance abuse. (See 77 Ill. Adm. Code 2056.310).

"Level III - High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a Petitioner with:

symptoms of substance dependence (regardless of driving record), hereinafter referred to as Level III Dependent; and/or

two prior convictions or court ordered supervisions for DUI or statutory summary suspensions or reckless driving convictions reduced from DUI or any combination thereof resulting from separate incidents, within the ten (10) year period prior to the date of the most current (third or subsequent) arrest, hereinafter referred to as Level III Non Dependent. (See 77 Ill. Adm. Code 2056.310).

"Lockout" means the device must prevent engine ignition in terms of a virtual lock with 90% certainty or near absolute lock at 99.5% certainty unless it is serviced or recalibrated.

"Manufacturer" means the maker of a BAIID.

"Monitor Report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Office" means the Office of the Secretary of State and not any particular department address, or location.

"Permanent Lockout" means that feature of the device that causes a vehicle with the device installed to become permanently inoperable for any failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within five (5) days of any service or inspection notification. A permanent lockout must prevent the vehicle from starting after the lapse of the five (5) days, and require servicing by the manufacturer/installer of the device to make the vehicle operable.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAIID Pilot Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)(3) of the Code.

"Recidivist" means an individual who had lost driving privileges due to a DUI disposition, received driving relief through the administrative hearing process, and thereafter received another DUI disposition causing a further loss of driving privileges.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new drivers license in accordance with the requirements of the Illinois Vehicle Code and the Rules promulgated thereunder.

"Respondent" means a person against whom a complaint or

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

petition is filed, or who, by reason of interest in the subject matter of a petition of application or the relief sought therein, is made a Respondent or to whom an order or complaint is directed by the Department initiating a proceeding.

"Rolling Retest" means that feature of the device that requires the driver to take another BrAC test(s) after the initial test to start the vehicle. Upon failure of a retest or failure to take the retest, the device will cause attention to be drawn to the vehicle, such as, but not limited to, sounding of the horn of the vehicle.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(e) and 6-206(e)(3) of the Code.

"Secretary" means the Illinois Secretary of State.

"Self-help Program" means an independent non-profit organization comprised of individuals who hold voluntary meetings specifically to help each member to achieve and/or maintain abstinence from alcohol and/or other drugs.

"Service or Inspection Notification" means that feature of the device that advises or notifies the BAIID permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report. Such notification shall be given by the device in the following cases: anytime the device records a BrAC test result of 0.05 or more; five (5) or more unsuccessful attempts to start the vehicle after the initial monitor report; to notify BAIID permittee of the initial monitor report; after any rolling retest failure or refusal following the initial monitor report; after any attempt of tampering or circumvention; every sixty (60) days after the initial monitor report.

"Service Provider" means a dealer, distributor, supplier, or service center engaged in the installation of devices.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

established lifestyles (e.g. spouse, other family member, employer, co-worker, clergy member, roommate).

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her lifestyle to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to participating in a self-help group (Alcoholics Anonymous, Narcotics Anonymous, etc.), a professional support group, or regularly and frequently engaging in religious activities which have a distinct and positive effect on an individual's continued abstinence. Any activity and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this part). The Hearing Officer shall determine the viability of the activity as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing.

"Tampering" means an overt, conscious attempt to physically disable or otherwise disconnect the BAID from its power source and thereby allow a person with a BRAC above the alcohol setpoint to start the engine.

"Twenty-four Hour Lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of twenty-four hours any time the device registers a BRAC of 0.05 or more.

"Undue Hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

"Undue Hardship relating to employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment, e.g. as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where a petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a physician and, in the case of a diagnosis or clinical impression of alcoholism/chemical dependency, where a petitioner is participating in an ongoing support program as prescribed or recommended by a physician or other qualified professional. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Vendor" means a retail or wholesale supplier of a device, and may include a service provider.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 1001.441 Breath Alcohol Ignition Interlock Device Pilot
EMERGENCY Program

a) A pilot program is hereby established to integrate the issuance of a RDP(s) to a petitioner conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAID). The Secretary finds that a BAID Eligible Petitioner is one who has demonstrated through his/her

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

driving record that they pose a serious threat to the public safety and welfare and that the issuance of driving privileges to such a person should be conditioned upon the use of the BAID to monitor the petitioner's driving performance. The pilot program shall also be used to assess the effectiveness, reliability and dependability of the BAID, and will commence with the effective date of these rules and terminate no later than June 30, 1996.

b) The Secretary shall notify any BAID Eligible Petitioner who requests a hearing of the requirements of the program. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification. Any BAID Eligible Petitioner who requests additional information shall be given information regarding all of the provisions and conditions of the program, the availability of the device and the approved manufacturers or installers to contact for further information regarding installation, costs, maintenance, and other pertinent information.

c) Any hearing involving a BAID Eligible Petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.

d) The Secretary shall issue a RDP to a BAID Eligible Petitioner if, through the hearing process, the petitioner meets all of the requirements of Section 1001.440 of this Part, is favorably considered as a result of the hearing, and installs and utilizes a device in any motor vehicle operated by the BAID Eligible Petitioner.

e) Prior to the taking of evidence at the hearing, or as soon as a petitioner is determined to be BAID Eligible:

- 1) The Secretary shall make sure that the BAID Eligible Petitioner understands: all of the provisions and conditions of the program; that to obtain a RDP the BAID Eligible Petitioner must minimally meet all of the requirements of Section 1001.440 of this Part, be favorably considered by the Secretary, and install and utilize the device; that participation in the program does not

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

guarantee issuance of a RDP; and, that all costs associated with the device are the responsibility of the BAID Eligible Petitioner; and

- 2) The BAID Eligible Petitioner shall advise the Secretary that he/she understands all of the provisions and conditions of the program and whether he/she chooses to participate in the program. If the BAID Eligible Petitioner is unwilling to use the device, he/she shall be advised that no relief will be granted and no hearing will be held.

f) After the hearing, the hearing officer shall consider the evidence and the relief requested, and make a recommendation as in any other hearing under this Part.

- 1) If the hearing officer does not feel that the relief requested shall be granted, an order denying relief shall be prepared.

- 2) If the hearing officer feels that a RDP should be granted, an order shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device.

g) After the issuance of an order granting a RDP under this program, in addition to the other requirements under this Part the BAID Eligible Petitioner must prove to the Secretary that a device has been installed in the vehicle(s) to be used by the BAID Eligible Petitioner within ten (10) days from the date of the issuance of the RDP. Proof of installation shall be in writing, on letter head from the installer or manufacturer. Failure to comply with this requirement will result in the denial of driving relief and the cancellation of any RDP issued. Petitioner shall have ten (10) days from the date of issuance of the RDP to operate the vehicle without the device in order to be able to take the vehicle to a manufacturer or installer for installation.

h) Any BAID Eligible Petitioner receiving a RDP under this program must comply with the following requirements:

- 1) Operate only a vehicle(s) with an installed,

NOTICE OF EMERGENCY AMENDMENTS

operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAID Permittee;

2) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer within the first thirty (30) days for an initial monitor report to help the BAID Permittee learn how to correctly use the device, and thereafter no more than every fifty (50) days nor less than every sixty (60) days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the manufacturer or installer.

3) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer for a monitor report within five (5) working days of any service or inspection notification.

1) Upon receipt or non receipt of the monitor reports, the Secretary shall review them and take the following action:

1) For any BAID Permittee who fails to take the vehicle with the device in for timely monitor report(s) or send the appropriate portion of the device to the manufacturer for timely monitor report(s), send a letter to the BAID Permittee indicating that if the device is not taken in for a monitor report within ten (10) days of the date of the letter, the RDP will be cancelled. It is the BAID Permittee's responsibility to contact the manufacturer/installer to make sure monitor reports are obtained;

2) For any BAID Permittee whose monitor report(s) shows five (5) or more unsuccessful attempts to start the vehicle, a failure to successfully complete a rolling retest, or tampering with or circumvention of the device during the initial monitor period, send a warning letter to the BAID Permittee indicating that future unsuccessful

NOTICE OF EMERGENCY AMENDMENTS

attempts to start the vehicle could result in the BAID Permittee either being cited in for a hearing to cancel the RDP or the immediate cancellation of the RDP if the BAID Permittee's monitor reports(s) shows a failure to successfully complete a rolling retest or tampering with or circumvention of the device after the initial monitor report period;

3) For any BAID Permittee whose monitor report(s) shows five (5) or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the unsuccessful attempts to start the device. If a response is received within twenty-one (21) days of the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the BAID Permittee shall be cited in for a hearing to determine if the RDP should be cancelled;

4) For any BAID Permittee whose monitor report(s) show a failure to successfully complete a rolling retest, or any tampering with or circumvention of the device, shall result in immediate cancellation of the RDP(s).

5) For any BAID Permittee whose monitor report(s) shows a BRAC reading of 0.05 or more, regardless of any other provision contained herein, there shall arise a rebuttable presumption that the BAID Permittee consumed alcoholic beverages which shall result in the immediate cancellation of the RDP. The presumption may be overcome at an administrative hearing requested by the BAID Permittee.

6) For any BAID Permittee whose monitor report(s) show apparent violations of the restrictions of the RDP, send a letter to the BAID Permittee asking for an explanation. If a response is received within twenty-one (21) days of the date of the Secretary's letter and it reasonably assures the Secretary that the RDP restrictions were not

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

violated, no further action will be taken. If response is not received within the twenty-one (21) days or does not reasonably assure the Secretary that no violation(s) of the restriction of the RDP occurred, the BAID Permittee shall be cited in for a hearing to investigate the apparent violation(s) of the restrictions to determine if the RDP should be cancelled. If the evidence shows that the BAID Permittee drove outside the restrictions of the RDP, it shall be cancelled.

1) Receipt of any one of the following shall also be grounds for immediate cancellation of a RDP issued under this program:

1) Any law enforcement report showing operation of a vehicle by a BAID Permittee without a device as required by the RDP issued under this program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary.

2) Any law enforcement arrest/stop involving a failed rolling retest or failure to take a rolling retest if the officer's report indicates the use of alcoholic beverages and/or drugs by the BAID Permittee. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy if the original is submitted to the court, along with a law enforcement report, to the Secretary.

k) Any BAID Permittee whose RDP issued under this program is cancelled as provided for in this section may request a hearing to contest the cancellation within sixty (60) days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this part.

1) Any BAID Permittee whose RDP issued under this program is cancelled for any reason in this section, shall not be granted another hearing for one (1) year from the date of the cancellation, except to contest the cancellation as provided in subsection (k) above.

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

m) Any formal order entered which grants the issuance of a RDP under this program shall, in addition to all other requirements, clearly indicate the following:

1) That the RDP is issued under the Program;

2) That the BAID Permittee is aware of the program and all of its conditions and terms and accepts those conditions and terms as conditions precedent to the issuance of the RDP.

n) Any RDP(s) issued under this program shall, in addition to all other requirements, clearly indicate:

1) That the permit is issued under the program, and when a vehicle operated by a BAID Permittee must be equipped with an installed, operating device;

2) That the provisions of the RDP also allow the BAID Permittee to drive to and from the manufacturer of installer for the purposes of installing the device, obtaining monitor reports, and for any necessary servicing.

o) The Secretary authorizes DPH to check and monitor the manufacturers and installers as to their calibration and monitor report procedures.

p) The Secretary shall gather all monitor reports, any reports from DPH and any other information relative to the performance, dependability, reliability, and effectiveness of the use of the device. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

(Source: Emergency Rule added at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 1001.442
EMERGENCY

Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

a) The responsibilities of a device manufacturer shall include:

1) The manufacturer shall carry product liability insurance with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability insurance shall include coverage for defects in product design and materials as well as manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days notice will be given to the Secretary and DPH before cancellation of the insurance;

2) The manufacturer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the manufacturer relating to the installation, service, repair, use or removal of a device;

3) The manufacturer of a device shall develop separate detailed written instructions regarding the installation, maintenance and the normal operation of the device;

4) The manufacturer shall provide an 800 customer service/ question/complaint hotline;

5) The manufacturer shall provide a training program for the individual operating the device on the operation, maintenance, and safeguards against improper operations;

6) The manufacturer shall provide informational materials to the Secretary for distribution to BAID Eligible Petitioners;

7) The manufacturer shall provide a warranty of performance to ensure responsibility for support of service within a maximum of forty-eight (48) hours after notification of a complaint. This support shall be in effect during the period the device is

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

required to be installed in a motor vehicle;

8) The manufacturer shall provide expert or other required testimony in any civil, criminal proceedings or administrative hearings as to the method of manufacture of the device, how said device functions, and the testing protocol by which the device was approved. In the event it should become necessary for the Secretary or DPH to provide testimony in any civil or criminal procedures involving the approval or use of the device, the manufacturer shall reimburse the Secretary or DPH for any costs incurred in providing such testimony. Failure to provide this reimbursement shall result in withdrawal of approval for the device;

9) The manufacturer shall provide training to the Secretary's employees and DPH's inspectors as soon as possible after preliminary approval and prior to installation of devices in the State of Illinois at no cost;

10) The manufacturer shall provide a training program for the service provider, vendor, and/or installer installing the device on:

A) The installation, operation, maintenance, and safeguards against improper operations;

B) The psychological, physiological and pharmacological effects of alcohol in the human body; and

C) The theory of instruments used in the analytical process which measures alcohol concentration;

11) Any manufacturer whose device is installed must submit monitor reports to the Secretary and DPH, no later than fifteen (15) days from the date the device is brought in for a monitor report or an appropriate portion of the device is sent to the manufacturer if the report does not contain five (5) or more unsuccessful attempts to start the vehicle, a BrAC of 0.05 or more, any unsuccessful

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

rolling retest, or tampering with or circumvention of the device, otherwise within five (5) days. Notwithstanding the above, the initial monitor report need only be submitted within fifteen (15) days from the date the device is brought in or the appropriate portion of the device is sent in for the initial monitor report. These monitor reports shall be transmitted using agreed upon electronic transfer protocols or in hard copy.

12) The manufacturer shall provide to the Secretary and DPH additional reports, to include but not limited to records of installation, calibrations, maintenance checks, usage records on devices placed in service in the State. These records shall be agreed upon and transmitted using electronic transfer protocols or in hard copy.

13) The manufacturer shall provide to the Secretary any available physical evidence of tampering with or circumvention of the device. The Secretary shall notify DPH of any such evidence.

14) The manufacturer shall service all BAIID Permittees in their designated geographic region under standards established for that region.

b) Approval of BAIIDs for analyzing the alcohol content of breath:

1) Preliminary approval of a device may be granted by the Secretary, in consultation with DPH, based on a review and evaluation of test results from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration, U.S. Department of Transportation, April 7, 1992, except for

A) 1.4.S. Power, if the device is not designed to be operated from the battery.

B) 1.5.2.S. Extreme Operating Range, if the device is not designed to be operated below -

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

20°C and above +70°C.

C) 2.3.S. Warm Up, if the device is not designed to be operated below -20°C.

D) 2.5.S. Temperature Package, if the device is not designed to be operated below -20°C and above +70°C.

2) Within eighteen (18) months, final approval of a device may be granted by the Secretary, in consultation with DPH, based on a field testing protocol developed by the DPH and review of field performance results from the program.

3) No device shall be given approval if it demonstrates an accuracy rate >0.01 in unstressed conditions or >0.02 in stressed conditions.

4) Any device to be approved shall be designed and constructed with an alcohol setpoint of 0.02.

5) Any device to be approved shall require the operator of the vehicle to submit to a rolling retest at a random time within five (5) to fifteen (15) minutes of starting the vehicle. Rolling retests shall continue at a rate of two (2) per hour in random intervals not to exceed forty-five (45) minutes after the first rolling retest.

6) Any device to be approved shall be designed and constructed to immediately begin blowing the horn if:

A) The rolling retest is not preformed;

B) The BrAC of the rolling retest exceeds 0.04;

C) Tampering or circumvention attempts are detected;

7) The device shall be required to have permanent lockout five (5) days after the service or Inspection Notification if it is not serviced or calibrated.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- 8) The device shall be required to have Twenty-Four (24) Hour Lockout anytime the BAID Permittee registers a BrAC of 0.05 or more.
- 9) Any device to be approved shall provide for calibration at least once every sixty (60) days using a wet bath simulator or other approved equivalent procedure, ie., dry gas standard.
- 10) Any manufacturer/service provider/vendor who sells, rents, and/or leases ignition interlock devices in Illinois shall report to the Secretary and DPH all such sales, rentals, and/or leases listing the name of the individual, their driver's license number, the installer, the installer's location, the make, serial number of the device, the make and model of the vehicle it is installed in, and VIN number of the vehicle on a monthly basis using an agreed upon electronic transfer medium and format.
- 11) Any device which is not provided a preliminary approval or a final approval shall be re-tested at the request of the manufacturer but not more often than once in a given year.
- 12) A manufacturer may apply for preliminary approval of a device by submitting a written request to the Secretary and DPH and certifying the device:
- A) Does not impede the safe operation of a vehicle.
 - B) Minimizes opportunities to bypass the device.
 - C) Performs accurately and reliably under normal conditions.
 - D) Prevents a BAID Permittee from starting a vehicle when the BAID Permittee has a prohibited BrAC, ie., >0.02.
 - E) Satisfies the requirements for certification set forth in this Section.
- 13) The written request shall include all of the following information:

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

- A) The name and address of the manufacturer of the device.
 - B) The name and model number of the device. A separate request is required for each model or type of device.
 - C) A detailed description of the device including complete instructions for installation, operation, service, repair and removal.
 - D) Complete technical specifications describing the device's accuracy, reliability, security, data collection and recording, tamper detection, and environmental features.
 - E) A complete and accurate copy of data from a state or nationally recognized certified laboratory test facility regarding the device's ability to meet or exceed the specifications in this Section.
 - F) A description of the manufacturer's present and two (2) year plan for distribution and service in Illinois.
 - G) A certification from the manufacturer that it will accept the region assigned to them as a result of a random draw and will service all BAID Permittees residing in their designated region under standards established for that region.
- 14) The Secretary, in consultation with DPH, shall issue a preliminary approval or disapproval of a device not later than thirty (30) days after receipt of all required requested materials and certifications.
- 15) The manufacturer shall, within three (3) months after preliminary approval, provide the Secretary and DPH's Alcohol and Substance Testing Program:
- A) A list of all locations in Illinois where the device may be purchased, rented, leased,

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored in an agreed upon format;

- B) Five (5) production devices of which three (3) will be used for field testing; and
- C) Training for the Secretary's employees and DPH's inspectors and program administrator.

16) The manufacturer shall, at no cost to the State of Illinois, install the selected devices for field testing in the vehicles provided by the Secretary and DPH. DPH shall independently evaluate each device to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts and tampering.

17) A list of approved devices shall be maintained by the Secretary.

c) DPH Inspections

DPH may conduct independent inspections on any of the devices, installers, service providers, or manufacturers to determine if they are in compliance with these rules. If the independent inspection indicates a noncompliance with the rules, DPH shall notify the Secretary and he shall require the manufacturer to correct any noncompliance so reported. The manufacturer shall report in writing to the Secretary and DPH within thirty (30) days after receiving notification of the noncompliance any corrective actions taken.

d) Disqualification of a Manufacturer

The Secretary shall disqualify a manufacturer or installer from participation in the program upon written notification and a thirty (30) day opportunity to come into compliance in any of the following cases:

- 1) Failure to submit monitor reports in a timely manner as provided in Section 1001.442(A)(11). If

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

the Secretary finds, through investigation, that the BAID Permittee did take the vehicle with the installed device to the manufacturer or installer or sent the appropriate portion of the device to the manufacturer for a monitor report in a timely manner, a warning notification shall be sent to the manufacturer or installer indicating that a second such occurrence will result in cancellation of participation;

2) Failure to maintain liability insurance as required;

3) Failure to comply with all of the duties and obligations contained in this rule.

e) Designation and Assignment of Regions

The Secretary shall by a random draw designate a defined geographic region for each approved manufacturer participating in the program. Each manufacturer shall be responsible for establishing installation or service sites within its assigned region to service BAID Permittees residing in said region under standards established for that Section.

(Source: Emergency Rule added at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

Section 1001.443 Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification

a) The responsibilities of installers of BAID shall include:

- 1) An installer shall carry liability insurance with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. The liability insurance shall include coverage for defects in calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

(30) days notice will be given to the Secretary and DPH before cancellation of the insurance;

2) An installer shall indemnify and hold harmless the State, the Secretary and its officers, employees, agents, DPH and its officers, from all claims, demands, actions, and costs whatsoever which may arise, directly or indirectly, out of any act or omission by the installer relating to the installation, service, repair, use or removal of a device;

3) The installer shall have all tools, test equipment and manuals needed to install devices and screen motor vehicles for acceptable mechanical and electrical condition prior to installation. These include, but are not limited to:

A) Tools to make electrical connections in a competent manner (properly soldered or mechanically crimped with high quality connectors and in accordance with accepted trade standards);

B) Heat gun, if heat shrink tubing or heat set labels are used;

C) Volt/ohmmeter;

D) Test light;

E) Battery testing equipment and servicing tools (load tester, terminal cleaning tools and battery filler);

F) Electrical wiring diagrams and/or reference guide for electrical systems on import and domestic vehicles, twenty (20) years old or less, necessary for installation and operation of the device; and

G) Tools and equipment listed by the device manufacturer to properly install devices;

4) The installer shall provide adequate security measures to prevent unauthorized persons from

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

accessing secured materials (tamper seals or installation instructions);

5) The installer shall appropriately install devices on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the device manufacturer's instructions, and correcting conditions (such as low battery or alternator voltage, or engine stalling frequent enough to require additional breath tests) which interfere with the proper functioning of the device;

6) The installer shall not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the motor vehicle;

7) The installer shall verify that a device is functioning properly after it has been installed in the motor vehicle;

8) The installer shall restore a motor vehicle to its original condition when a device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent; and

9) The installer shall provide a warranty of performance to assure responsibility for support of service within a maximum of forty-eight (48) hours after notification of a complaint. This support shall be in effect during the period the device is required to be installed in a motor vehicle.

b) Requirements for Initial Certification of Installers

1) To qualify as an installer of BAID, the individual shall be provided instruction by the manufacturer of the device based on a curriculum approved by the DPH which includes the following:

A) Presentation of the psychological, physiological and pharmacological effects of alcohol in the human body.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

B) Theory of breath alcohol ignition interlock devices used in the analytical process which measures alcohol concentration.

C) Practical application in the use and installation of the device.

2) An individual to be certified under this Part shall satisfactorily complete a practical proficiency examination approved by DPH and administered by the manufacturer.

3) A certification shall be valid for a period of twenty-four (24) months from the date of issuance. A certification shall automatically terminate when the individual is no longer employed as BAID installer.

4) Instructor Qualifications:

A) Instructors in courses designed to qualify persons for certification to install BAIDS shall be certified by the manufacturer.

B) Any person desiring to qualify as an instructor shall submit an application to the manufacturer listing all technical and educational background.

C) Persons desiring to qualify as an instructor shall be knowledgeable on the subjects of the psychological, physiological and pharmacological effects of alcohol, and the theory of devices approved for use in Illinois and demonstrate the ability to operate and install the manufacturers' device in accordance with its operational procedures.

D) The certification of an instructor shall be terminated, denied or revoked for the following reasons:

- i) Inability to pass a practical evaluation.
- ii) Teaching fewer than five (5) courses per

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

year unless employed by the manufacturer or DPH.

c) Requirements for Renewal of Installer Certification:

1) Each installer must be examined prior to recertification by the manufacturer or his approved representative. This will be done on the following basis: In each twenty-four (24) month period, the installer regardless of the number of installations he conducts, must successfully install and check a device for accuracy using a certified controlled reference sample in the presence of an instructor.

2) Within the two (2) year period each installer must complete the following:

- A) A review of the operational theory of devices.
- B) A review of current and related problems in the field.

d) Requirements for Termination, Revocation and Denial of Installer Certification:

1) The following are grounds for the revocation of a certification issued to the installer:

A) Misuse or improper installation of the device by the installer in such a way that the installer is in violation of State statutes or these rules.

B) Upon receipt of a complaint to the Secretary or DPH, a certified installer may be subject to review by an inspector in the operation and installation of the device using a certified controlled reference sample, and, at which time, his failure or refusal to perform analysis or installation properly may be grounds for certification revocation upon the recommendation of an inspector.

C) Dismissal or release of the installer from his employment.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

2) A renewal of a certification under subsection (c) above or reissuance of a certification pursuant to subsection (b)(3) and/or (4) above may be denied for the following reasons:

A) Any grounds for revocation set forth in subsection (d)(1) above.

B) Failure to comply with subsection (c)(1) and (2) above.

3) If DPH finds that the public interest, safety or welfare imperatively requires emergency action, DPH shall incorporate a finding to that effect in an order summarily suspending a certification and forward it to the manufacturer pending proceedings for revocation or denial of certification.

(Source: Emergency Rule added at 18 Ill. Reg. _____, effective _____, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF RECODIFICATION

1) Heading of Part: Confidentiality of Personal Information of Persons Served by the Department

2) Code Citation: 89 Ill. Adm. Code 431

3) Date of Administrative Code Division Review:

4) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:Headings:

431.1

Purpose

431.2

Definitions

431.3

Maintenance of Records

431.4

Consent Prior to Disclosure of Personal Information

431.5

Access to Records

431.6

Disclosure Without Consent

431.7

Disclosure of Information of a Mental Health Nature

431.8

Denial of Access to Information

431.9

Removal of Records Prohibited

431.10

Release of Personal Information for Research Purposes

431.11

Disclosure of Information Regarding AIDS

431.12

Applicability of This Part

5) Outline of the Section Numbers and Headings of the Part as Recodified:

431.15

Purpose

431.20

Definitions

431.30

Maintenance of Records

431.40

Consent Prior to Disclosure of Personal Information

431.50

Access to Records

431.70

Denial of Access to Information

431.90

Disclosure Without Consent

431.100

Disclosure of Information of a Mental Health Nature

431.110

Disclosure of Information Regarding AIDS

431.120

Removal of Records Prohibited

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 1994. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	
Payroll Factor	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF RECODIFICATION

- 431.130 Release of Personal Information for Research Purposes
- 431.140 Applicability of This Part

6) Conversion Table of Present and Recodified Parts:

431.1	431.15
431.2	431.20
431.3	431.30
431.4	431.40
431.5	431.50
431.6	431.90
431.7	431.100
431.8	431.70
431.9	431.120
431.10	431.130
431.11	431.110
431.12	431.140

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Also See Subtraction Modifications - Valuation Limitation)
 Check Off Funds
 Circuit Breaker
 Claims for Refund: See Refunds
 Collection
 Combined Unitary Return (Also See Unitary)
 Commercial Domicile
 Compensation
 Composite Returns
 Confidentiality
 Credits
 Coal Research and Utilization
 Credit for Replacement Tax Paid
 Enterprise Zone Investment
 Foreign Tax
 High Impact Business
 Investment
 Jobs Tax
 Replacement Tax Investment
 Research and Development
 Training Expense
 Other Rulings (Not Included Above)
 Deficiencies
 Definitions
 Domestic International Sales Corporations (DISCs)
 Elections: See Combined Unitary Return, Extensions, Unitary
 Enterprise Zones
 (Also See Credits, Subtraction Modifications)
 Erroneous Refund: See Refunds
 Estates
 Estimated Tax
 Exempt Organizations
 Exemptions
 Nuclear Decommissioning
 Trusts
 Extensions
 Failure to File: See Penalties
 Failure to Pay: See Penalties

Farmers: See Estimated Tax
 Federal Returns
 Fiduciaries
 Financial Organizations: See Apportionment
 Foreclosure
 Foreign Sales Corporations (FSC's)
 Foreign Tax: See Credits
 Foreign Trade Zones: See Subtraction Modifications, Credits--Jobs Tax
 Forms
 Fraud: See Penalties
 Fringe Benefits
 IRC §125 "Cafeteria" Plans
 IRC §401(k) Plans
 Other Rulings (Not Included Above)
 Gain (Loss): See Capital Gains (Losses), Valuation Limitation
 Information Reports
 Insurance Companies: See Apportionment
 Interest Income
 (Also See Addition Modifications, Subtraction Modifications)
 Interest on Refunds and Deficiencies
 IRC §338
 Jeopardy: See Assessment
 Judicial Review
 Liens
 Limited Liability Companies
 Lottery
 Military
 (Also See Subtraction Modifications)
 Miscellaneous
 Modification Addition: See Addition Modifications
 Modification Subtraction: See Subtraction Modifications
 Mutual Funds: See Subtraction Modifications
 Net Income (Loss) and Net Loss Deduction (IITA §207)

(Also See Base Income, Capital Gains (Losses), Combined Unitary Return, Net Operating Loss and Net Operating Loss Deduction)
 Net Operating Loss and Net Operating Loss Deduction
 Nexus: See Public Law 86-272/Nexus
 Nonbusiness Income
 Nonresidents: See
 Residency/Nonresidency
 Notice and Demand: See Notices
 Notices
 Overpayments: See Refunds
 Partnerships
 Payments:
 Payroll Factor: See Apportionment
 Penalties
 Failure to File (IITA §1001)
 Failure to File Withholding Returns (IITA §1004)
 Failure to Pay (IITA §1002)
 Failure to Pay Estimated Tax (IITA §804)
 Fraud (IITA §1002)
 Reasonable Cause (IITA §1001)
 Underpayment of Tax (IITA §1005)
 Other Rulings (Not Included Above)
 Pensions
 (Also See Subtraction Modifications)
 Political Organizations
 Professional Athletes
 Property Factor: See Apportionment
 Property Tax: See Subtraction Modifications
 Protest
 Public Law 86-272/Nexus
 Rate of Tax
 Real Estate Investment Trusts
 Reasonable Cause: See Penalties
 Refunds (Also See Subtraction Modifications)
 Statute of Limitations
 Other Rulings (Not Included Above)

Replacement Tax (Also See Credits)
 Requirements of Requests for Private Letter Rulings
 Residency/Nonresidency Returns
 (For Combined Unitary Return and Composite Return rulings, see those headings)
 Amended Returns
 Due Dates
 Requirements to File
 Short Period Returns
 Other Rulings (Not Included Above)
 S Corporations
 Sales Factor: See Apportionment
 Sales Outside the Ordinary Course of Business (Bulk Sales)
 Seizure
 Separate Accounting: See Alternative Apportionment
 Signature
 Specific Accounting
 Statute of Limitations: See Assessment, Collection, Deficiencies, Refunds
 Subchapter 'S' Corporations: See S Corporations
 Subpart F Income: See Subtraction Modifications
 Subtraction Modifications
 Enterprise and Foreign Trade Zones
 Illinois Tax Refund
 Interest on U.S. Government Obligations
 Military
 Money Market Mutual Funds
 Qualified Pension Plans
 Real Estate Taxes
 Subpart F Income
 Transportation Services
 Valuation Limitation
 Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Not Included Above)
 Taxability in Other States
 Taxable Year
 Transferees
 (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))
 Transportation Services: See Apportionment
 Trusts
 Uniform Penalty and Interest Act
 Unitary
 (Also See Combined Unitary Return)
 U.S. Government Obligations: See Subtraction Modifications

Valuation Limitation: See Subtraction Modifications
 Voluntary Disclosure Agreements
 Waiver on Assessments: See Assessment
 Withholding
 Employee Benefits
 Exemptions
 Personal Service Contracts (IITA §1405.2)
 Reciprocal Agreements
 Other Rulings
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25 cents per page for each page over one.

The indexes of Income Tax letter rulings for 1990, 1991, 1992 and 1993, are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Office of the General Counsel
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994 FIRST QUARTER SUNSHINE INDEX

ADDITION MODIFICATIONS - ZERO COUPON BONDS

IT 94-0001 *General Information Letter:* 01/10/1994 This letter refers to ruling IT93-79 which provides that IITA Section 203(a)(2)(A) requires that an amount equal to all amounts paid or accrued to taxpayers as interest be added back to adjusted gross income in the computation of Illinois base income to the extent such amounts were excluded from federal adjusted gross income.

ALTERNATIVE APPORTIONMENT

IT 94-0005 *General Information Letter:* 02/07/1994 Denial of a petition of alternative apportionment.

EXEMPT ORGANIZATIONS

IT 94-0002 *General Information Letter:* 01/20/1994 The Department of Revenue does not issue income tax exemptions. Illinois Income Tax Act Section 205(a) provides that an organization that is exempt from federal income tax by reason of IRC 501(a) is also, without application, exempt from Illinois income taxation unless it has unrelated business taxable income as determined under IRC 512.

IT 94-0007 *General Information Letter:* 03/02/1994 An exempt organization that has unrelated business taxable income for federal purposes must file Illinois Form IL 990-T if the organization has net income subject to Illinois income taxation, or is a resident or is qualified to do business in Illinois and is required to file U.S. Form 990-T.

IT 94-0017 *General Information Letter:* 03/18/1994 Section 205(a) of the Illinois Income Tax Act provides that an organization that is exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code is also, without application, exempt from Illinois income taxation, unless it has unrelated business taxable income as determined under the IRC Section 512.

FRINGE BENEFITS - IRC §125 "CAFETERIA" PLANS

IT 94-0019 *General Information Letter:* 03/22/1994 The Department has not adopted rules dealing specifically with IRC §125 Cafeteria Plans. However, the

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994 FIRST QUARTER SUNSHINE INDEX

Department has issued a number of letter rulings on this subject which may be instructive.

INTEREST ON REFUNDS AND DEFICIENCIES

IT 94-0004

Private Letter Ruling: 01/28/1994 The issue that was the subject of the Private Letter Ruling request is governed by 86 Ill. Adm. Code 100.9400(c)(3)(A) which states in pertinent part that "the date of overpayment is the date of payment of any tax which thereafter becomes or is determined to be refundable or creditable for the taxable year, except as provided in subsection (f). There can be no overpayment of the tax prior to the last day prescribed for filing the return, nor until the return is filed for the taxable year".

IRC §338

IT 94-0012

Private Letter Ruling: 03/09/1994 Under the circumstances described in the request for ruling, the Department will not recognize a gain or loss on the target's distribution of the unwanted assets in the pre-sale distribution.

LOTTERY

IT 94-0021

General Information Letter: 03/31/1994 Illinois Income Tax Act Section 303(e) provides that "prizes awarded under the Illinois Lottery Law, approved December 1993, are allocable to this State."

MISCELLANEOUS

IT 94-0006

General Information Letter: 03/02/1994 Response to a state income tax survey.

IT 94-0022

General Information Letter: 03/31/1994 Response to a letter from a tax protester.

PARTNERSHIPS

IT 94-0020

General Information Letter: 03/23/1994 Letter Ruling 89-305 explains that prior to the enactment of the personal property replacement income tax,

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994 FIRST QUARTER SUNSHINE INDEX

partnerships were not taxable entities in Illinois and filed only an informational return in order to show the pass through of income to the individual partners. What is currently IITA Section 203(d) and which provides for the computation of Illinois partnership base income did not exist prior to the enactment of the replacement tax. To the extent that Letter Ruling 89-305 can be read to represent that base income of a partnership (as determined under IITA Section 203(d)) is distributed to individual partners for income tax purposes it is incorrect and should be considered overruled by this letter.

PUBLIC LAW 86-272/NEXUS

IT 94-0003

General Information Letter: 01/20/1994 The determination of nexus is extremely fact-dependent. As a result, the Department declines to issue Private Letter Rulings on the issue of whether a particular taxpayer has nexus with the State of Illinois.

RETURNS - OTHER RULINGS

(For Combined Unitary Return and Composite Return Rulings, See Those Headings)

IT 94-0008

General Information Letter: 03/02/1994 Illinois Income Tax Act Section 502(e)(3) provides that if either husband or wife is a resident and the other is a non-resident, they shall file separate returns in this State on such forms as may be required by the Department in which event their tax liabilities shall be separate; but they may elect to determine their joint net income and file a joint return as if both were residents and in such case, their liabilities shall be joint and several.

S CORPORATIONS

IT 94-0013

General Information Letter: 03/14/1994 Discusses the treatment of club dues not deductible on federal Form 1120S.

SUBTRACTION MODIFICATIONS - BOND PREMIUM AMORTIZATION

IT 94-0009

General Information Letter: 03/07/1994 Letter Ruling IT91-103 is revoked.

IT 94-0010

Private Letter Ruling: 03/07/1994 Letter Ruling IT91-103 is revoked.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994 FIRST QUARTER SUNSHINE INDEX

IT 94-0011 *Private Letter Ruling:* 03/07/1994 Letter Ruling IT91-94 is revoked.

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 94-0018 *General Information Letter:* 03/18/1994 There is no Illinois subtraction modification for medical expenses.

WITHHOLDING - RECIPROCAL AGREEMENTS

IT 94-0014 *General Information Letter:* 03/14/1994 Response to a survey. Illinois has reciprocal agreements with Michigan, Indiana, Iowa, Kentucky and Wisconsin.

WITHHOLDING - OTHER RULINGS

IT 94-0015 *General Information Letter:* 03/14/1994 Illinois Income Tax Section 701 requires that every employer maintaining an office or transacting business in Illinois, who is required to withhold federal income tax, must withhold Illinois income tax on compensation paid in Illinois.

IT 94-0016 *General Information Letter:* 03/15/1994 Section 100.7110 of the Department's rules authorizes the use of substitute forms in place of the IL-W-4 upon approval by the Department. Such requests should be directed to the Department's Office of Automation.

IT 94-0023 *General Information Letter:* 03/31/1994 The federal W-4 alone is not an acceptable substitute for a completed Form IL-W-4.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 4, 1994 through May 9, 1994, and have been scheduled for review by the Committee at its May 17, 1994 or June 14, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/19/94	Office of the Comptroller, Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill Adm Code 330)	7/16/93 17 Ill Reg 10686	5/17/94
6/19/94	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	2/25/94 18 Ill Reg 2753	6/14/94
6/22/94	Department of Nuclear Safety, Certification of Individuals to Perform Industrial Radiography (32 Ill Adm Code 405)	3/11/94 18 Ill Reg 3326	6/14/94
6/22/94	Department of Conservation, The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)	3/18/94 18 Ill Reg 3884	6/14/94
6/22/94	Department of Conservation, The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 715)	3/18/94 18 Ill Reg 3895	6/14/94
6/22/94	Department of Conservation, Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill Adm Code 570)	3/18/94 18 Ill Reg 3853	6/14/94
6/22/94	Department of Conservation, Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	3/18/94 18 Ill Reg 3868	6/14/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
6/22/94	Department of Conservation, Consignment of Licenses (17 Ill Adm Code 2520)	3/18/94 18 Ill Reg 3821	6/14/94
6/22/94	Department of Conservation, Woodchuck, Snipe, Rail and Teal Hunting (17 Ill Adm Code 740)	3/18/94 18 Ill Reg 3906	6/14/94
6/22/94	Department of Conservation, Dove Hunting Season (17 Ill Adm Code 730)	3/18/94 18 Ill Reg 3830	6/14/94

PROCLAMATION

94-179

DISASTER AREAS - MADISON, MASON,
MONROE, PIATT AND ST. CLAIR COUNTIES

Torrential rains and heavy thunderstorms on April 9 and occurring frequently to this date have created flash flooding along the tributaries to the Illinois and Mississippi rivers throughout Central and Southwest Illinois. This has caused a disruption of public services to farms and agricultural levees, local roads, homes and other properties.

In the interest of aiding the affected counties and their citizens thereby mitigating the threat to public health and safety, I hereby declare Madison, Mason, Monroe, Piatt and St. Clair Counties to be State of Illinois disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance of local units of government, other state agencies, and volunteer resources in providing reasonable and necessary emergency measures for disaster mitigation throughout the counties. This declaration will also provide for the reassessment of real and personal property and make possible any requests for Federal disaster assistance.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State April 29, 1994.

94-180

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute our nation's number one disability; and

Whereas, 24 million Americans--about 10 percent of our population-- and 1.1 million Illinoisans have speech, language, or hearing impairments that may affect their educational, vocational, personal, and social functions; and

Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

Whereas, the first step toward obtaining help is knowing it is available; and

Whereas, the leading national and regional organization concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as BETTER HEARING AND SPEECH MONTH in Illinois.

Issued by the Governor April 21, 1994.
Filed with the Secretary of State May 5, 1994.

94-181 BIKE MONTH

Whereas, the bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation; and
Whereas, millions of Americans will experience the joys of bicycling this May through educational programs, commuting events, trail work days, helmet promotions, and charity rides; and

Whereas, Americans in record numbers are turning to bicycling for recreation, exercise, and transportation; and

Whereas, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies, and civic groups throughout the state will be promoting bicycling as a wholesome leisurely activity, as well as an environmentally-friendly alternative to the automobile;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as BIKE MONTH in Illinois.

Issued by the Governor April 21, 1994.
Filed with the Secretary of State May 5, 1994.

94-182 CYTOTECHNOLOGY DAY

Whereas, cytotechnologists are specialists in the field of medical technology whose primary responsibility is to examine calls to detect a variety of diseases including cancer and precancerous changes; and

Whereas, these skilled professionals are called upon daily to examine various medical specimens advise physicians, who in turn use this vital information to chart the course of treatment for their patients; and

Whereas, through the diagnostic skill of cytotechnologists, it is possible to detect cancer in the early stages of development, greatly contributing to the chances of survival and eliminating uterine cancer as the number one cause of death in women; and

Whereas, there are only a few hundred cytotechnologists in

the State of Illinois and only about 9,000 nationwide; and
Whereas, the Illinois Society of Cytology will join the American Society of Cytotechnology in observing National Cytotechnology Day on May 13, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 13, 1994, as CYTOTECHNOLOGY DAY in Illinois in honor of the valuable contributions cytotechnologists make to the health and well-being of our citizens.

Issued by the Governor April 21, 1994.
Filed with the Secretary of State May 5, 1994.

94-183 DRINKING WATER WEEK

Whereas, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort, and standard of living; and

Whereas, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

Whereas, through its dedication to advanced knowledge of design, operation, and management of water utilities, the association strives to continue providing better water for everyone--when and where they need it;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued by the Governor April 21, 1994.
Filed with the Secretary of State May 5, 1994.

94-184 GEORGE TAMMINGA DAY

Whereas, George Tamminga has devoted himself to Christian education for 35 years as a teacher and principal; and

Whereas, he has been instrumental in nurturing and guiding over 1,500 students in their education at Timothy Christian Schools in Elmhurst, Illinois; and

Whereas, as principal of Timothy Christian Elementary School for the past 25 years, he has worked to unify the Timothy Christian School Association and guided the elementary school through many stages of growth and change; and

Whereas, served his country with honor as an active Naval officer for 5 years and as a Naval Reserve Officer for 30 years;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim May 13, 1994, as GEORGE TAMMINGA DAY in Illinois to recognize his career accomplishment and his service as a citizen. Issued by the Governor April 21, 1994.
Filed with the Secretary of State May 5, 1994.

94-185

HOLY NAME OF MARY PARISH WOMEN'S DAYS

Whereas, Holy Name of Mary Parish will celebrate their Second Annual Women's Day on Sunday, May 22, 1994; and
Whereas, the three-day celebration will begin Friday evening, May 20, with a revival, "A Night of Praise," followed by Women's Health Day, Saturday, and closing with the Liturgy of a Solemn Mass on Sunday with Senator Margaret Smith speaking on "Mary the Madonna and the Sisters of the 21st Century" and
Whereas, the Black Afro-American Women of Morgan Park have joined together as a committee, chaired by the leadership of Mrs. Patricia A. Jones, to provide our young people with a positive role model and advance the role of women in the Church; and
Whereas, through the true dedication and commitment of Patricia Jones and the Women of the Parish, supported by Reverend Anthony J. Vader, Reverend Richard M. Boyd and the Parish staff, has provided the Morgan Park Community with support and encouragement;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 20-22, 1994, as HOLY NAME OF MARY PARISH WOMEN'S DAYS in Illinois.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-186

LAW DAY

Whereas, May 1 is Law Day in the United States of America; and
Whereas, the United States has been the fortress of individual liberty and a beacon of hope and opportunity for more than 200 years to many millions of individuals who have sought U.S. citizenship; and

Whereas, the foundation of individual freedom and liberty is the body of the law that governs us; and

Whereas, the constitution of the United States of America and the Bill of Rights are the heart of that body of law, guaranteeing our freedom--including freedom of religious beliefs, freedom to have and hold property inviolate, freedom of assembly, freedom of speech, freedom of press, freedom of petition, and due process of the law;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim May 1, 1994, as LAW DAY in Illinois.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-187

MATHEMATICS AWARENESS WEEK

Whereas, the Joint Policy Board for Mathematics has observed Math Awareness Week since its initiation by Presidential proclamation in 1986; and

Whereas, the observance of Math Awareness Week helps to promote the importance and usefulness of mathematics in everyday life; and

Whereas, mathematical sciences are vital to advancements in the field of medicine, such as increasing doctors' understanding of the heart, DNA technology, vaccine strategies for fighting AIDS and other diseases, and disseminating health statistics; and

Whereas, "Mathematics and Medicine" will be promoted as this year's theme for Math Awareness Week; and

Whereas, the combined efforts of the American Mathematical Society, the Mathematical Association of America, and the Society for Industrial and Applied Mathematics as the Joint Policy Board for Mathematics help to establish and express sound public policy about mathematical sciences and their importance to society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-30, 1994, as MATHEMATICS AWARENESS WEEK in Illinois.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-188

METROPOLITAN PIER AND EXPOSITION AUTHORITY
EMPLOYEE LONGEVITY DAY

Whereas, the Metropolitan Pier and Exposition Authority (MPEA) is a unit of local government charged with the duty to promote, operate, and maintain fairs, expositions, and conventions in the Chicago metropolitan area; and

Whereas, in addition, the Metropolitan Pier and Exposition Authority is charged with the responsibility to provide for the recreational, cultural, commercial, or residential development of Navy pier; and

Whereas, on May 21, 1994, the Metropolitan Pier and Exposition Authority will pay tribute to those employee who have served the Authority for five years or more; and

Whereas, with more than four million annual conventions, trade shows, and corporate meeting travelers visiting McCormick

place Complex and Navy Pier, it is a veritable meeting marketing place of the world; and

Whereas, MPEA employees who perform a myriad of tasks needed to make meetings and shows run smoothly, have consistently contributed to enhancing the image of the State of Illinois, City of Chicago, McCormick Place Complex, and Navy Pier;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 21, 1994, as METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY in Illinois in recognition of the many years of commitment in the area of public service these employees have demonstrated.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-189

MOTHER OF THE YEAR DAY

Whereas, in order to provide an appropriate occasion for honoring the Illinois State Mother of the Year, as well as all the other mothers in our state, we should observe May 8, 1994, as Mother of the Year Day in Illinois; and

Whereas, it is not within our power to provide an honor commensurate with the love and devotion that is inherent in motherhood, but it is entirely appropriate that we demonstrate, as best we can, the sincere appreciation we feel for the unselfish guidance and unfailing loyalty that only a mother can provide; and

Whereas, it is especially important at this time, when the sanctity of the home and stability of our society are so vital to the preservation of our free way of life, that we honor the Illinois Mother of Year as the symbol of those woman, who with great patience and understanding, shape our destiny; and

Whereas, the 1994 Illinois Mother of the Year is Marilyn G. Ames of Champaign;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8, 1994, as MOTHER OF THE YEAR DAY in Illinois.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-190

NURSES WEEK

Whereas, 2.2 million registered nurses constitute our nation's largest health care profession; and

Whereas, the depth and breadth of the nursing profession is meeting the different and emerging health care needs of the American population in a wide range of settings; and

Whereas, nurses' education and holistic focus promotes restoration and maintenance of health in the individual family; and

Whereas, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation through health care reform that relies on increasing delivery of primary health care; and

Whereas, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's nursing resources; and

Whereas, professional nursing has been demonstrated to be a key component in the quality of care of hospitalized patients; and

Whereas, the demand for nursing services is greater than ever because of the aging of the American population, the continuing growth of life-sustaining technology, and the explosive growth of home health care services; and

Whereas, the cost-effective, quality health care services provided by nurses will be an ever more important component of the U.S. health care delivery system in the future;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-12, 1994, as NURSES WEEK in Illinois and ask that all residents of Illinois join me in honoring the nurses who care for us all.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-191

OLDER AMERICANS MONTH

Whereas, it is an established Illinois tradition to honor our older citizens and recognize their many achievements by participating in the nationwide observance of Older Americans Month each May; and

Whereas, the 1994 observance is especially significant because this year marks the prelude to the 30th anniversary of the Older Americans Act of 1965 and the White House Conference on Aging which will be held in May, 1995; and

Whereas, the 1994 Older Americans Month theme is "Celebrating Long Life and Good Health" and the U.S. Administration on Aging encourages the use of the slogan "Aging: An Experience of a Lifetime" to capture the essence of this theme; and

Whereas, programs supported by the State of Illinois are helping to make a long and healthy life more of a reality and Americans are living longer and in better health than in any time in our nation's history; and

Whereas, in spite of this success, many other people do not have the resources to obtain quality health care and nutritious

meals and this is especially true for minorities, women, and the physically challenged; and

Whereas, we must make a dedicated effort to find more innovative ways to help people help themselves and make a long, healthy life a reality for all Americans; and

Whereas, Older Americans Month is a great time to renew efforts to help the frail elderly and make life more comfortable for future generations of older Americans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as OLDER AMERICANS MONTH in Illinois in hope for each and every citizen aging will be a positive, fulfilling "experience of a lifetime."

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-192

PUBLIC SERVICE RECOGNITION DAY

Whereas, 200 million Americans are served every day by public employees providing a wide range of services; and

Whereas, public employees take not just jobs but oaths; and

Whereas, public employees risk their lives each day for the sake of the people of the United States when they serve, whether they are police officers, firefighters, border patrol officers, embassy employees, military personnel, health care professionals, or others whose jobs require great risk; and

Whereas, public employees include the teachers in our schools; nurses to administer vaccines; computer technicians to pay out Social Security and Veteran's benefits, unemployment checks, and food stamps; safety inspectors for power plants, mines, and airplanes; food inspectors who guarantee the safety of our grocery purchases; laborers who maintain our roads and bridges; transportation employees who get us safely to our destinations via bus or train; and all the other people who provide the myriad services demanded by the American people of their government; and

Whereas, to pay for the high quality of these services, Americans have one of the lowest tax rates in the world; and

Whereas, without these government employees at every level there could be no continuity in a democracy such as ours, which regularly changes its leaders and elected officials;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4, 1994, as PUBLIC SERVICE RECOGNITION DAY in Illinois in recognition of the accomplishments and contributions of government employees at all levels.

Issued by the Governor April 21, 1994.

Filed with the Secretary of State May 5, 1994.

94-193

CHILDREN'S EMOTIONAL AND BEHAVIORAL DISORDERS AWARENESS WEEK

Whereas, a growing number of children are recognized as having emotional, behavioral, and neurological disorders; and

Whereas, one in 20 children and adolescents are severely emotionally disturbed (SED); and

Whereas, members of the community lack information and understanding of these disorders; and

Whereas, costs to these children, their families, and the community are exorbitant in dollars, lost potential, and heartache; and

Whereas, there are many ways for adults to affect the youth of our states as parents, grandparents, neighbors, friends, counselors, teachers, and through churches and businesses; and

Whereas, it is essential that everyone have access to education, information, and training; and

Whereas, children and their families have the right to stigma-free community-based services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 8-14, 1994, as CHILDREN'S EMOTIONAL AND BEHAVIORAL DISORDERS AWARENESS WEEK in Illinois.

Issued by the Governor April 22, 1994.

Filed with the Secretary of State May 5, 1994.

94-194

ILLINOIS SMALL BUSINESS WEEK

Whereas, a strong and stable economy is largely dependent on the determination and dedication of the small business community; and

Whereas, Illinois has more than 400,000 established small businesses, which produce the majority of the state's jobs; and

Whereas, Illinois has recognized the importance of its small businesses by making a strong and targeted commitment to provide assistance through programs administered by the Department of Commerce and Community Affairs' Illinois Small Business Development Center Network, which is comprised of Small Business Development Centers, Procurement Assistance Centers, and International Trade Centers, in cooperation with the United States Small Business Administration, the United States Department of Defense, Illinois colleges and universities, Chambers of Commerce, Economic and Neighborhood Development Organizations, and the private sector throughout Illinois; and

Whereas, the Illinois Small Business Development Center Network has counseled more than 131,000 and trained 94,000 Illinoisans on running successful small businesses, helped clients start more than 4,800 new businesses, expand 1,100

businesses, obtain some \$400 million in business financing, secure 10,000 government contracts worth more than \$848 million, and secure export sales contracts worth \$32 million; and

Whereas, women- and minority-owned businesses are a significant economic resource and a vital component of the Illinois economy; and

Whereas, Illinois is proud of the partnership is has developed with its small business community;

Whereas, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as ILLINOIS SMALL BUSINESS WEEK in Illinois, honoring the thousands of ventures throughout our great state that make up the Illinois Small Business Community.

Issued by the Governor April 22, 1994.
Filed with the Secretary of State May 5, 1994.

94-195

HADASSAH DAYS

Whereas, Hadassah, The Women's Zionist Organization of America, is a national organization of women dedicated to providing quality medical care and research, funding of child rehabilitation programs, and supporting a College of Technology for the people of the State of Israel; and

Whereas, the Illinois-Indiana Region of Hadassah will host the annual Region Conference in Springfield, Illinois, April 24-25; and

Whereas, 100 delegates from Illinois, Indiana, Missouri, and Kansas will represent women from across the region -- over 15,000 from the State of Illinois; and

Whereas, the Region Conference was last held in Springfield in 1982, and we welcome Hadassah and its members back to our state and its capital;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 24-25, 1994, as HADASSAH DAYS in Illinois.

Issued by the Governor April 22, 1994.
Filed with the Secretary of State May 5, 1994.

94-196

FAMILY SERVICE DUPAGE DAY

Whereas, since 1930, United Charities Family Service DuPage has delivered critical counseling and support services to help vulnerable families to DuPage County remain or become strong and self-sufficient; and

Whereas, Family Service DuPage continues to provide innovative programs and services to more than 11,000 individuals to help them address issues of family conflict, domestic violence

and child abuse, affordable housing and homelessness, juvenile delinquency, senior mental health and elder care, unemployment, single parenting and adoptive families; and

Whereas, Family Service DuPage's Gold LEAF Award (Leadership and Excellence in Advocating for Families) recognizes the contributions of many businesses, organizations and individuals who have fostered healthy family life in DuPage County; and

Whereas, the Gold LEAF Award honors these organizations and individuals whose achievements promote policies and practices in the workplace and community that strengthen families, and thus, strengthen the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1994, as FAMILY SERVICE DUPAGE DAY in Illinois in recognition of the agency's salute to Leadership and Excellence in Advocating for Families.

Issued by the Governor April 25, 1994.
Filed with the Secretary of State May 5, 1994.

94-197

LIFE INSURANCE WEEK

Whereas, families depend upon life insurance more than any other form of personal protection; and

Whereas, the National Association of Life Underwriters and its members have provided generations of Americans the means and opportunity to build individual, family, and business economic security; and

Whereas, underwriters, agents, managers, and general agents contribute to the effectiveness and progress of the insurance industry through their skilled and personal service; and

Whereas, these professional organizations throughout Illinois have joined together to celebrate their common tradition of providing public service to enhance the well-being of their communities, continue the ongoing process of education to members, and promote the highest ethics and professionalism among insurance agents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-7, 1994, as LIFE INSURANCE WEEK in Illinois and commend the professional organization members for their tireless work for the good of their profession and their community.

Issued by the Governor April 25, 1994.
Filed with the Secretary of State May 5, 1994.

94-198

SOUTH HOLLAND CENTENNIAL DAY/SOUTH HOLLAND CENTENNIAL WEEK/SOUTH HOLLAND CENTENNIAL MONTH

Whereas, the Village of South Holland was settled by Dutch farmers, incorporated in 1894, and has grown from a small farm town into a prosperous village of 23,000; and

Whereas, for 100 years, the residents of South Holland have remained committed to preserving the tradition of faith and family, creating a sense of community; and

Whereas, the South Holland community has added to the rich ethnic diversity of Illinois; and

Whereas, the Village of South Holland has been ranked Number 5 among the Top Ten Towns out of 138 towns in the Chicago area; and

Whereas, the Village of South Holland will celebrate its centennial year beginning on May 12, 1994, its anniversary of incorporation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1994, as SOUTH HOLLAND CENTENNIAL DAY, May 9-15, 1994, as SOUTH HOLLAND CENTENNIAL WEEK, and May 1994 as SOUTH HOLLAND CENTENNIAL MONTH in Illinois in celebration of the 100th anniversary of the Village of South Holland.

Issued by the Governor April 25, 1994.

Filed with the Secretary of State May 5, 1994.

94-199

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Whereas, the Asian Pacific American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and

Whereas, the achievements of Asian Pacific Americans have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, education, government, law, industry, commerce, medicine, science, and technology, thus having contributed to the quality of life for Asian Pacific Americans and non-Asians alike; and

Whereas, Asian Pacific Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

Whereas, the Asian Pacific American community is visible and active as its members made significant strides toward full participation and equal opportunity in all walks of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Pacific Americans to our great state.

Issued by the Governor April 26, 1994.

Filed with the Secretary of State May 5, 1994.

94-200

DR. JOSEPH C. DALPIAZ DAY

Whereas, Dr. Joseph C. Dalpiaz has dedicated 33 years of his life to Illinois education; and

Whereas, over the past 33 years, Dr. Dalpiaz has served the Hinsdale education community as a science teacher, Chairman of the Hinsdale South High School Science Department, Assistant Principal for Instruction, and Principal; and

Whereas, Dr. Dalpiaz has launched programs such as the Student Advisement Program, the Principal's Advisory Council, Ventures in Education, the School Improvement Plan, and the Police Liaison at Hinsdale South; and

Whereas, under his tenure, honors and advanced placement courses were begun, the special education program was expanded, and the Hearing-impaired Department became nationally acclaimed; and

Whereas, under the leadership of Coach Dalpiaz, the Hinsdale South High School Varsity Cross Country Team won the school's first invitation championship in 1968; and

Whereas, Dr. Joseph C. Dalpiaz will retire from 20 years as principal of Hinsdale South High School this summer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 25, 1994, as DR. JOSEPH C. DALPIAZ DAY in Illinois, in honor and recognition of his 33 years of commitment to the education of our young people.

Issued by the Governor April 26, 1994.

Filed with the Secretary of State May 5, 1994.

94-201

FOSTER PARENT APPRECIATION MONTH

Whereas, to foster means to nourish, cherish, and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

Whereas, more than 38,000 children in Illinois, a significant number of which are African-American or Hispanic, need appropriate foster care; and

Whereas, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, understanding, and compassion, as well as educational and health care services; and

Whereas, thousands of adults in Illinois have volunteered to be substitute parents through the Foster Parent program, and their contributions to the welfare of our children are incalculable and irreplaceable;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as FOSTER PARENT APPRECIATION MONTH in

Illinois.

Issued by the Governor April 26, 1994.
Filed with the Secretary of State May 5, 1994.

94-202

POLISH CONSTITUTION DAY

Whereas, the May 3, 1791, Polish constitution was the first liberal constitution in Europe. It was conceived at a time when most of Europe lived under the powerful and oppressive totalitarian rule of Prussia and Russia; and

Whereas, the constitution established three independent branches of government. Throughout the constitution run a philosophy of liberty to all people, rule by the majority, and religious freedom; and

Whereas, May 3 is a national holiday for Poles and their descendants because it commemorates the bestowal of the priceless heritage of humanitarianism, tolerance, and a democratic precept; and

Whereas, Polish Americans have contributed significantly to all aspects of our society, holding forth their deep convictions of hard work, family values, education, religion, and building for the future; and

Whereas, Polish Americans have made, and continue to make enormous contributions to the culture, economy, and democratic political systems for Illinois; and

Whereas, thousands of Illinois Polish Americans of all ages will participate in the annual parade in Chicago, organized by the Alliance of Polish Clubs, with this years theme being "For Your Freedom and Ours"; and

Whereas, the celebration will also include a brunch sponsored by the Chicago Society, a banquet sponsored by the Polish Constitution Day Parade Committee, a wreath laying ceremony at the Kosciuszko Monument followed by a Mass at Holy Trinity Church sponsored by the Polish National Alliance; and

Whereas, the Grand Marshal of the parade is Jerzy Bazylewski for 1994 as elderstatesman of the Polish Youth Organization; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1994 as POLISH CONSTITUTION DAY in Illinois.

Issued by the Governor April 26, 1994.
Filed with the Secretary of State May 5, 1994.

94-203

WOMEN IN TRADES CAREER DAY

Whereas, skilled construction jobs such as carpentry, electrical work, drafting, and machine-tool operations have

traditionally been a male-dominated field; and

Whereas, many women are capable of performing these skilled construction jobs, even those that involve special risks and heavy, physical labor; and

Whereas, large numbers of women, aided by other members of the civic and business community, have organized to aid each other in the pursuit of nontraditional careers; and

Whereas, passage in 1991 of the Federal Non-Traditional Employment for Women Act has enabled many low-income women to train for and work successfully in challenging, high-paying construction trades; and

Whereas, Illinois' first Women in Trades Career Fair will take place in Chicago on May 4, sponsored by a coalition of construction firms, trade associations, local and state government agencies, and other civil institutions; and

Whereas, women attending this free event will learn of hundreds of opportunities in the skilled trades and will obtain answers to many questions about the work, the required training, and how to pursue these high potential careers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4, 1994, as WOMEN IN TRADES CAREER DAY in Illinois.

Issued by the Governor April 26, 1994.
Filed with the Secretary of State May 5, 1994.

94-204

ILLINOIS STATE CHAMBER OF COMMERCE 75TH ANNIVERSARY YEAR

Whereas, in 1919, the Illinois State Chamber of Commerce was founded by a group of 42 citizens who saw the need for an advocate of business issues presented before the General Assembly; and

Whereas, over the past 75 years, the Illinois Chamber has become known as the Voice of Business in Illinois through the quality programs and far-sighted leadership; and

Whereas, for 75 years, the Illinois Chamber has provided an important link between the nearly 300 local affiliate Chambers of Commerce in our state and the U.S. Chamber in Washington, D.C.; and

Whereas, the nearly 7,000 members' companies of the Illinois Chamber represent the diversity of our state in business and industry sectors, geography, location, and company size; and

Whereas, these members employ nearly one out of four workers in the State of Illinois and have demonstrated through their membership in the Chamber a 75-year history of making Illinois a better place to life, work, and do business profitably; and

Whereas, the Illinois State Chamber of Commerce is celebrating its 75th anniversary of providing business leadership

throughout the state; and

Whereas, the Illinois Chamber has a proud 75-year history of civic and community involvement, forging coalitions for progress, and achieving results through quality programs and services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1994 as the ILLINOIS STATE CHAMBER OF COMMERCE 75TH ANNIVERSARY YEAR and commend its Board of Directors, membership, management, and employee for their commitment to voicing and successfully pursuing the interests of Illinois' businesses.

Issued by the Governor April 27, 1994.

Filed with the Secretary of State May 5, 1994.

94-205

LOYALTY DAY

Whereas, this nation is kept strong and free by the loyal citizens who preserve our precious freedom heritage through their positive patriotic declarations and actions; and

Whereas, all loyal citizens should make it their duty to inspire complete patriotism among all of our people; and

Whereas, we urgently need a vigorous display of true red, white, and blue Americanism, thus convincing friends and enemies alike that our nation is firmly united for self-preservation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1, 1994, as LOYALTY DAY in Illinois. I urge every citizen, school, church, organization, business establishment, and household to reaffirm their strong allegiance to our flag and nation through active participation in patriotic programs being sponsored by the Veterans of Foreign Wars of the United State.

Issued by the Governor April 27, 1994.

Filed with the Secretary of State May 5, 1994.

94-206

MUSIC WEEK

Whereas, May 1-8, 1994, will mark the 71st annual observance of National Music Week; and

Whereas, music is a vital part of the culture of every civilized nation, and the people of the United States are proving themselves to be great music-producing and music-loving citizens; and

Whereas, the advancement of the cause of music as an art and harmonious force is an important influence among nations, groups, and individuals; and

Whereas, the pursuit of music, whether it be through study, composing, listening, performing, or participating, provides enriching experiences; and

Whereas, the National Federation of Music Clubs through National Music Week provides an opportunity for the organized musical forces of the country, as well as religious, educational, and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1-8, 1994, as MUSIC WEEK in Illinois.

Issued by the Governor April 27, 1994.

Filed with the Secretary of State May 5, 1994.

94-207

RP AWARENESS DAY

Whereas, Retinitis Pigmentosa (RP) is the largest source of internally cause blindness and deaf-blindness in the world today; and

Whereas, RP is a hereditary blinding eye disease which affects more than 500,000 people in the United States, including at least 25,000 Illinoisans; and

Whereas, to help combat Retinitis Pigmentosa and allied retinal degenerative diseases, the RP Foundation Fighting Blindness seeks to raise public awareness and the continued strong support of scientific research for the betterment of the hundreds of thousands of people who are afflicted by this disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 23, 1994, as RP AWARENESS DAY in Illinois, and I urge all citizens of this state to lend whatever support they can to this most important endeavor.

Issued by the Governor April 27, 1994.

Filed with the Secretary of State May 5, 1994.

94-208

CHICAGO CRIME COMMISSION DAY

Whereas, the Chicago Crime Commission was founded by Colonel Harry Barrett Chamberlin in January 1919, and was incorporated by the State of Illinois on June 19, 1919; and

Whereas, the Chicago Crime Commission was organized and continues to act as a non-partisan, volunteer civilian watchdog agency comprised of business and civic leaders committed to confronting crime and acting as a check for the criminal justice system of the Chicago Metropolitan Area; and

Whereas, The Chicago Crime Commission is the longest standing member of the National Association of Crime Commissions; and

Whereas, in 1936 the Commission drafted a new criminal code which was introduced in the General Assembly the following year.

The Commission also helped secure passage of the Motor Vehicle Anti-Theft Act in the 1940s, which resulted in a 26 percent decrease in auto theft insurance rates, and has helped implement reforms in the area of court leniency toward felons; and Whereas, the Commission's current focus is combatting organized drug gangs on Chicago's South and West sides; and Whereas, during the past 75 years, the Chicago Crime Commission has helped make the Chicago Metropolitan Area a safer, more pleasant place to live;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 19, 1994, as CHICAGO CRIME COMMISSION DAY in Illinois, in recognition of their 75th anniversary.

Issued by the Governor April 28, 1994.

Filed with the Secretary of State May 5, 1994.

94-209

EUGENE E. LUNGER DAY

Whereas, the Coalition for United Community Action (CUCA) will hold its 22nd Annual United Testimonial Awards Banquet honoring Eugene R. Lunger, President of Mc3D, Inc. as their "Man of the Year;" and

Whereas, the Coalition for United Community Action was established in 1969 to help place minorities and women in union apprenticeships and construction jobs; and

Whereas, CUCA has provided economically disadvantaged Chicago residents with the opportunity of pre-apprenticeship programs, and over the past eight years, has recruited participants for the programs exclusively from the Chicago Housing Authority; and

Whereas, CUCA is currently working to prepare economically and educationally disadvantaged young people between the ages of 16 and 21 for the school-to-work transition, offering them an alternative to involvement with gangs, drugs, and violence; and

Whereas, under the leadership of Eugene E. Lunger, the McCormick Place Expansion program supports affirmative action and minority and women business participants; and

Whereas, the completion of the McCormick Place Expansion will provide Chicago and the State of Illinois with the largest convention facility in the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 14, 1994, as EUGENE R. LUNGER DAY in Illinois.

Issued by the Governor April 28, 1994.

Filed with the Secretary of State May 5, 1994.

94-210

NATIONAL ASSOCIATION OF WOMEN
BUSINESS OWNERS PUBLIC AFFAIRS DAY

Whereas, a strong and stable economy is largely dependent on the determination and dedication of the small business community; and

Whereas, women-owned businesses reported continued growth over the past two years -- contributing revenue to the economy; and

Whereas, Illinois has more than 237,175 established women-owned businesses, which produce one out of every five of the state's jobs; and

Whereas, the National Association of Women Business Owners (NAWBO), headquartered in Chicago, has three Illinois chapters -- Chicago Area, Springfield, and Central Illinois -- representing more than 1,000 women-business owners; and

Whereas, NAWBO will present "Public Affairs Day," sponsored and hosted by Harris Bank and co-sponsored by the Illinois Department of Commerce and Community Affairs/Illinois Small Business Development Center Network. This program will provide a unique opportunity to share information, set strategies, and be heard from the state capital to the halls of Congress; and

Whereas, Illinois is proud of the partnership it has developed with the women's business community and NAWBO;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 13, 1994, as NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS PUBLIC AFFAIRS DAY in Illinois, honoring the thousands of entrepreneurs throughout our state that make up the Illinois women's business community.

Issued by the Governor April 28, 1994.

Filed with the Secretary of State May 5, 1994.

94-211

PHYSICAL FITNESS AND SPORTS MONTH/
PHYSICAL EDUCATION AND SPORTS WEEK

Whereas, the Illinois Association for Health, Physical Education, Recreation, and Dance advocates that regular, vigorous physical activity is essential to good health and effective performance of our daily responsibilities; and

Whereas, there is a continuing need for professional cooperation among national, state, and local organizations for which physical fitness, health, physical education, recreation, dance, and sports are a major function; and

Whereas, Physical Fitness and Sports Month and Physical Education and Sports Week in Illinois encourage development and promotion of special programs focusing on development of our mental alertness, regular exercise habits, and improvement of our health and self-esteem;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as PHYSICAL FITNESS AND SPORTS MONTH and May

1-7, 1994, as PHYSICAL EDUCATION AND SPORTS WEEK in Illinois. I encourage all citizens to use these occasions to renew commitments to making regular physical activity an integral part of their lives.

Issued by the Governor April 28, 1994.

Filed with the Secretary of State May 5, 1994.

94-212

PROJECT ACES DAY

Whereas, All Children Exercising Simultaneously (Project ACES) is a program in which more than 10 million children will be exercising at the same time to promote and advance the academic discipline of youth fitness; and

Whereas, Project ACES, involving 50 states, more than 45 foreign countries, and more than 15,000 schools, asks participating schools to stop all activity and hold a 15 minute exercise period May 4 at 10 a.m. local time; and

Whereas, this symbolic gesture of fitness and unity underscores the need for daily, quality physical education throughout Illinois and the nation; and

Whereas, sponsored by the Illinois Association for Health, Physical Education, Recreation, and Dance, Project ACES helps to further the organization's vision of encouraging comprehensive health and fitness strategies for personal well-being through this annual fitness celebration;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4, 1994, as PROJECT ACES DAY in Illinois.

Issued by the Governor April 28, 1994.

Filed with the Secretary of State May 5, 1994.

94-213

CAMBODIAN CULTURE DAYS

Whereas, Illinois is home to several thousand Cambodian refugee and immigrants; and

Whereas, the Cambodian community is an important part of the rich ethnic background of Illinois; and

Whereas, the Cambodian Association of Illinois (CAI) was founded in 1976 to enhance Cambodian culture; to assist Cambodian refugee and immigrants, students, and visitors in becoming familiar with the American way of life; and to develop and promote friendship and relationships among its members, the community, and other organizations; and

Whereas, the cultural week of Cambodia will be celebrated in Illinois on May 28-29. This marks the country's restoration of the Khmer culture in 1979 after Khmer Rouge's destruction from

1975-1979. It is also a time to honor those who gave their lives for freedom's cause;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 28-29, 1994, as CAMBODIAN CULTURE DAYS in Illinois.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State May 5, 1994.

94-214

GENE SISKEL DAY

Whereas, Gene Siskel began his television career at WBBM-TV 20 years ago, serving the Chicago area; and

Whereas, his expertise as a broadcaster and thoughtful and interesting reviews of movies and popular culture have made his name known throughout the United States; and

Whereas, Gene's leadership has been a model of excellence for film critics, raising the standard for the industry; and

Whereas, his services to the State of Illinois have been noble. He has invested personal time, money, and effort in many volunteer projects, helping others in his community; and

Whereas, in making his reviews nationally known, he has remained a passionate booster of the State of Illinois and its citizens, proudly calling Illinois home. This commitment extends to the ardent support of the Bulls, through thick and thin;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19, 1994, as GENE SISKEL DAY in Illinois, and urge all Illinoisans to show their appreciation for his outstanding career.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State May 5, 1994.

94-215

KANTOREI WEEK

Whereas, in 1964 KANTOREI -- The Singing Boys of Rockford -- were organized to build character and represent the tradition of boys choirs; and

Whereas, today KANTOREI is a talented group of 29 boys and 8-10 years-old who perform and tour, and 18 who are in training and cadet choirs:

KANTOREI PERFORMING AND TOURING CHOIR

Joshua Aldrich	Nathan Edlen	Tony Muka
Troy Beard	Michael Gardner	Kwynn Olson
Benjamin Binger	Justin Gill	Paul Plett
Bruce Binger	Chad Greenlee	Matthew Sauer
	Lukas Gustafson	Chad Sheridan

Steven Carlson
Matthew Christensen
Paul Dailing
Ryan Davis
Alex DeMarco

Mark Gustafson
Patrick Harris
Scott Heisel
Brett Knies
Daniel Kobler

Joshua Smith
Joshua Tucker
Brent Ward
Jason Wright

KANTOREI TRAINING AND CADET CHOIRS

Shawn Balch
Cameron Christensen
David Cole
Anthony Dal Pra
David Domolli
Brian Doering

Robert Johnson
Jermar Foster
Joshua Dzielak
Jonathan Martin
Grant Moore
James Parker

Charles Peterson
Grant Sahag
Seth Schwirblat
Adonis Smith
Daniel Stanley
Noah Wilkie

performing sacred and secular music under the direction of Joel A. Ross and Brad Koloch; and

Whereas, KANTOREI, the singing ambassadors of goodwill, have been internationally acclaimed and have helped promote international understanding through their music; and

Whereas, 1994 marks the start of KANTOREI's 30th anniversary year and the continuation of their dedication to goodwill through music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16-22, 1994, as KANTOREI WEEK in Illinois.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State May 5, 1994.

94-216

REACT MONTH

Whereas, REACT (Radio Emergency Associated Communications Teams) has more than 8,000 volunteers providing highway safety and emergency communications using their own two-way radios in their communities; and

Whereas, the "Peoria-Pekin Metropolitan REACT Team C-310" has served the community in many civic endeavors, including the M.S. Bike Ride and Diane's Bike Ride; and

Whereas, REACT's efforts save many lives annually. Volunteers help to ensure medical aid quickly reaches accident scenes and work to improve communications in time of natural disasters;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1994 as REACT MONTH in Illinois.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State May 5, 1994.

94-217

WOMEN LAWYERS' DAY

Whereas, Women Lawyers have set an example of excellence and opened doors of opportunity for future generations; and
Whereas, Women Lawyers' Day draws needed recognition and appreciation for the work of these professionals; and

Whereas, Women Lawyers are vital contributors to our justice system, encouraging equal rights and the pursuit of truth; and
Whereas, the Museum of Law and Justice supports the accomplishments of women lawyers and educates the public about the law through exhibits and conference; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1994 WOMEN LAWYERS' DAY in Illinois.

Issued by the Governor April 29, 1994.

Filed with the Secretary of State May 5, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR Unit Committee on Rules
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX). IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 III. Adm. Code 240
89 III. Adm. Code 260
89 III. Adm. Code 230

AGRICULTURE, DEPARTMENT OF

8 III. Adm. Code 110
8 III. Adm. Code 75
8 III. Adm. Code 257
8 III. Adm. Code 20
8 III. Adm. Code 85
8 III. Adm. Code 116
68 III. Adm. Code 590
8 III. Adm. Code 270

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 III. Adm. Code 2090
ATTORNEY GENERAL
14 III. Adm. Code 200
AUDITOR GENERAL
2 III. Adm. Code 600
2 III. Adm. Code 601

CARNIVAL-AMUSEMENT SAFETY BOARD

56 III. Adm. Code 6000

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 III. Adm. Code 5000
80 III. Adm. Code 302
80 III. Adm. Code 310
80 III. Adm. Code 2650

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 III. Adm. Code 434
89 III. Adm. Code 305
89 III. Adm. Code 431
89 III. Adm. Code 428

(Children and Family Services, cont.)

89 III. Adm. Code 437
89 III. Adm. Code 406
89 III. Adm. Code 408
89 III. Adm. Code 335

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

80 III. Adm. Code 250

COMMERCE COMMISSION, ILLINOIS

92 III. Adm. Code 1376
83 III. Adm. Code 792
83 III. Adm. Code 790
83 III. Adm. Code 535
83 III. Adm. Code 590
83 III. Adm. Code 770
83 III. Adm. Code 315
83 III. Adm. Code 280

83 III. Adm. Code 735

92 III. Adm. Code 1236

83 III. Adm. Code 200

83 III. Adm. Code 285

83 III. Adm. Code 425

92 III. Adm. Code 1375

83 III. Adm. Code 415

83 III. Adm. Code 505

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

47 III. Adm. Code 160
14 III. Adm. Code 520
14 III. Adm. Code 510
14 III. Adm. Code 570
56 III. Adm. Code 509
83 III. Adm. Code 772
56 III. Adm. Code 2600
14 III. Adm. Code 545
56 III. Adm. Code 2630

COMMISSIONER OF BANKS AND TRUST COMPANIES

38 III. Adm. Code 380

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

38 III. Adm. Code 1075

COMMUNITY COLLEGE BOARD, ILLINOIS

23 III. Adm. Code 1501

COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS

47 III. Adm. Code 700

COMPTROLLER, OFFICE OF THE

38 III. Adm. Code 7168
74 III. Adm. Code 275

CONSERVATION, DEPARTMENT OF	
17 III. Adm. Code 530	Camping on Department of Conservation Properties (P-18721/93;A-1126)
17 III. Adm. Code 530	Cock Phasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (P-4495)
17 III. Adm. Code 850	Commercial Fishing in Lake Michigan (P-22123/93;A-5834)
17 III. Adm. Code 830	Commercial Fishing and Mussels in Certain Waters of the State (E-4761)(P-5372)
17 III. Adm. Code 2520	Consignment of Licenses (P-3821)
17 III. Adm. Code 730	Dove Hunting Season (P-3830)
17 III. Adm. Code 590	Duck, Goose and Coot Hunting (P-5065)
17 III. Adm. Code 910	Field Trials on Department-Owned Managed Sites (P-3846)
17 III. Adm. Code 1010	Field Trials on Endangered & Threatened Fauna (P-16273/93;A-1134)
17 III. Adm. Code 1050	III. List of Endangered & Threatened Flora (P-16285/93;A-1142)
17 III. Adm. Code 3010	Illinois Snowmobile Grant Program (P-5379)
17 III. Adm. Code 570	Muskra, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Coyote, Beaver and Woodchuck (P-3853)
17 III. Adm. Code 570	Possession of Specimens or Products of Endangered or Threatened Species (P-1;A-5838)
17 III. Adm. Code 1070	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (P-3868)
17 III. Adm. Code 4010	Register of Land & Water Reserves (P-578)
17 III. Adm. Code 810	Sport Fishing Regulations for the Waters of Illinois (P-19785/93;A-3277)(E-5667)(P-6202)
17 III. Adm. Code 690	Squirrel Hunting (P-3193)
17 III. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18927/93;A-1156)(E-3751)
17 III. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season, The (P-3884)
17 III. Adm. Code 715	Taking of Wild Turkeys-Fall Gun Season, The (P-3895)
17 III. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-21907/93;A-5842)
17 III. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearms (P-21927/93;A-5859)(P-7180)
17 III. Adm. Code 660	White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-21952/93;A-5878)(P-7183)
17 III. Adm. Code 740	Woodcock, Snipe, Rail, and Teal Hunting (P-3986)
CORRECTIONS, DEPARTMENT OF	
20 III. Adm. Code 420	Assignment of Committed Persons (P-19367/93;A-2929)
20 III. Adm. Code 460	Impact Incarceration Program (P-19371/93;A-2933)
20 III. Adm. Code 107	Records of Committed Persons (P-19377/93;A-2939)
20 III. Adm. Code 405	School District (P-19403/93;A-2970)
20 III. Adm. Code 501	Security (P-8396/93;A-6328)
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	
20 III. Adm. Code 1570	Fees for Processing Requests for Conviction Information (P-21136/93;A-4679)
20 III. Adm. Code 1810	Rules for the Award and Monitoring of Trust Funds (P-20516/93;A-4834)
20 III. Adm. Code 1800	Trust Fund Collection Rules (P-20539/93;A-4852)
EDUCATION, STATE BOARD OF	
23 III. Adm. Code 610	Article 34 School and Subdistrict Councils (P-5449)
23 III. Adm. Code 210	Learning Assessment & School Improvement Plans (P-10061/93;A-1169)
23 III. Adm. Code 1	Public Schools Evaluation, Recognition & Supervision (P-10079/93;A-1171)
23 III. Adm. Code 550	Reorganization Committee (PR-17611/93;AR-5551)
23 III. Adm. Code 226	Special Education (P-13231/93;A-1930)(P-18405/93;A-4685)(P-6482)
23 III. Adm. Code 170	Sprinkler System (P-18419/93;A-4699)
23 III. Adm. Code 245	Urban Education Partnership Program (P-10131/93;A-237)
ELECTIONS, STATE BOARD OF	
23 III. Adm. Code 125	Practice and Procedure (P-6509)
EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
29 III. Adm. Code 1310	Emergency Management Assistance Program (P-13843/93;A-6394)
29 III. Adm. Code 1300	Emergency Services and Disaster Agencies: Establishment, Accreditation, and Workers' Compensation (P-13856/93;A-6386)
29 III. Adm. Code 300	Local Emergency Services and Disaster Agencies: Establishment, Jurisdiction, and Accreditation (PR-13865/93;AR-6384)
29 III. Adm. Code 510	Workers' Compensation Coverage (PR-13875/93;A-6382)

EMPLOYMENT SECURITY, DEPARTMENT OF	
56 III. Adm. Code 2915	Academic Personnel (P-19415/93;A-4154)
56 III. Adm. Code 2865	Claimant's Availability for Work, Ability to Work and Active Search for Work (P-19421/93;A-4160)
56 III. Adm. Code 2770	Determination of Unemployment Contributions (P-17628/93; A-250)
56 III. Adm. Code 2920	Disqualification Income and Reduced Benefits (P-19427/93;A-4166)
56 III. Adm. Code 2760	Notices, Records, Reports (P-16319/93; A-261) (E-2631;O-7070;M-7492)
ENVIRONMENTAL PROTECTION AGENCY	
35 III. Adm. Code 372	Illinois Design Standards for Slow Rate Land Application of Treated Wastewater (P-4524)
35 III. Adm. Code 370	Illinois Recommended Standards for Sewage Works (CC-6375)
35 III. Adm. Code 184	Licensing of Industrial Hygienists (P-4)
FINANCIAL INSTITUTIONS, DEPARTMENT OF	
38 III. Adm. Code 130	Currency Exchange Rate (P-4929/93;W-6454)
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS OF	
77 III. Adm. Code 2530	Hospital Price Information (P-19007/93;A-5343)
77 III. Adm. Code 2510	Data Collection (P-18944/93;A-5300)
HIGHER EDUCATION, BOARD OF	
23 III. Adm. Code 1020	Health Services Education Grant (P-17639/93;A-4174)
23 III. Adm. Code 110	Program Accounting Manual (P-18283/93;A-5178)
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
47 III. Adm. Code 360	Affordable Housing Program (P-1669) (E-2124)
47 III. Adm. Code 365	Affordable Housing Bond Program (P-956;E-1596)
47 III. Adm. Code 310	Multifamily Rental Housing Mortgage Loan Program (A-1939)
HUMAN RIGHTS, DEPARTMENT OF	
2 III. Adm. Code 926	Access to Information (P-512)
2 III. Adm. Code 925	Rulemaking and Organization (P-525)
INSURANCE, DEPARTMENT OF	
50 III. Adm. Code 1250	Corrective Orders (P-3985/93;A-2230)
50 III. Adm. Code 1103	Life Reinsurance Agreement (P-8411/93;A-685)
50 III. Adm. Code 2012	Long-term Care Insurance (P-11279/93;A-2238)
50 III. Adm. Code 2018	Long-Term Care Partnership Insurance (P-3919)
50 III. Adm. Code 3119	Pre-Licensing and Continuing Education (P-3964)
50 III. Adm. Code 855	Prior Notification of Dividends on Common Stock and Other Distributions (P-21264/93;A-6168)
50 III. Adm. Code 854	Prior Notification of Transactions (P-21143/93;A-6176)
50 III. Adm. Code 6201	Requirements (A-2282)
50 III. Adm. Code 2017	Uniform Medical Claim and Billing (P-37)
INVESTMENT, ILLINOIS STATE BOARD	
80 III. Adm. Code 2700	State (or Ill.) Employees' Deferred Compensation Plan (P-19755/93;A-7224)
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
1 III. Adm. Code 255	Distribution of Database Information (E-5359)
1 III. Adm. Code 260	Complaint Reviews (P-13233/93;A-4705)(CC-7495)
1 III. Adm. Code 245	Expedited Corrections (P-13248/93;A-4720)(CC-7496)
1 III. Adm. Code 250	Five Year Evaluation of All Existing Rules (P-13257/93;A-4728)
1 III. Adm. Code 210	General Policies (P-13268/93;A-4739)(CC-7497)
1 III. Adm. Code 230	Review of Emergency Rulemaking (P-13233/93;A-1233)(CC-7498)
1 III. Adm. Code 240	Review of Preliminary Rulemaking (P-13294/93;A-4745)(CC-7499)
1 III. Adm. Code 220	Review of Proposed Rulemaking (P-13307/93;A-4758)(CC-7500)
LABOR, DEPARTMENT OF	
56 III. Adm. Code 350	Health & Safety (P-1672)

ILLINOIS REGISTER			Vol. 18, Issue #20	CUMULATIVE INDEX	May 20, 1994
LIQUOR CONTROL COMMISSION, ILLINOIS					
11 III. Adm. Code 100	The Illinois Liquor Control Commission (P-20094/93;A-4811)				
LOTTERY, DEPARTMENT OF					
11 III. Adm. Code 1700	Hearings (P-5394)				
11 III. Adm. Code 1770	Lottery (General) (P-6519)				
LOW-LEVEL RADIOACTIVE WASTE TASK GROUP					
2 III. Adm. Code 2950	Information, Rulemaking and Organization (A-5889)				
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF					
59 III. Adm. Code 101	Administration (P-10688/93;A-4179)				
59 III. Adm. Code 122	Certification Under Medicaid Rehabilitation Option for Early Intervention Program (P-3969)				
59 III. Adm. Code 121	Early Intervention Program (P-3976)				
59 III. Adm. Code 132	Medicaid Community Health Services Program (P-3902)				
59 III. Adm. Code 120	Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (P-3990)				
59 III. Adm. Code 106	Service Charges (P-7583)				
NATURE PRESERVES COMMISSION					
17 III. Adm. Code 4000	Management of Nature Preserves (P-12005/93;A-2290)				
17 III. Adm. Code 4010	Register of Land & Water Reserves (P-578;A-7253)				
NORTHEASTERN ILLINOIS PLANNING COMMISSION					
35 III. Adm. Code 399	Collection of Fees from Applicants requesting to change the Boundaries of a Wastewater Facility Planning Area (P-2552)				
NUCLEAR SAFETY, DEPARTMENT OF					
32 III. Adm. Code 405	Certification of Individuals to Perform Industrial Radiography (P-3326)				
32 III. Adm. Code 333	Fees for Calibration Services (P-9797/93;A-2615)				
32 III. Adm. Code 331	Fees for Radioactive Material Licenses (P-3045)				
32 III. Adm. Code 330	Licensing of Radioactive Material (P-14417/93;A-5553)				
32 III. Adm. Code 332	Licensing Requirements for Source Material Milling Facilities (P-10701/93;A-3128)				
32 III. Adm. Code 400	Notices, Instructions & Reports to Workers; Inspection (P-8655/93;A-3132)				
32 III. Adm. Code 390	Particle Accelerators (P-8666/93;A-3143)				
32 III. Adm. Code 350	Radiation Safety Requirements for Industrial Radiographic Operations (P-13882/93;A-7263)				
32 III. Adm. Code 351	Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (P-8674/93;A-3344)				
32 III. Adm. Code 320	Registration of Radioactive Material, Radiation Machines, and Radiation Installations (P-8693/93;A-3363)				
32 III. Adm. Code 505	Safe Operation of Nuclear Facility Boilers & Pressure Vessels (P-15220/93;A-2317)				
32 III. Adm. Code 341	Transportation of Radioactive Material (P-13933/93;A-4196)				
32 III. Adm. Code 355	Use of Radionuclides in the Healing Arts (P-20122/93;A-7308)				
32 III. Adm. Code 360	Use of X-Ray in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (P-3996)				
POLLUTION CONTROL BOARD					
35 III. Adm. Code 211	Definitions & General Provisions (P-12491/93;A-1253)(P-7589)				
35 III. Adm. Code 304	Effluent Standards (P-15223/93;A-267;P-2560)				
35 III. Adm. Code 620	Groundwater Quality (P-5113)				
35 III. Adm. Code 720	Hazardous Waste Management System: General (P-337;A-6720)(P-6553)				
35 III. Adm. Code 106	Hearings Pursuant to Specific Rules (P-959;A-4230)				
35 III. Adm. Code 721	Identification and Listing of Hazardous Waste (P-357;A-6741)(P-6526)				
35 III. Adm. Code 725	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-377;A-6771)(C-5011)(P-6568)				
35 III. Adm. Code 728	Land Disposal Restrictions (P-388;A-6799)(C-5013)(P-6535)				
35 III. Adm. Code 203	Major Stationary Sources Construction and Modification (P-18754/93;A-6335)				
35 III. Adm. Code 219	Organic Material Emission Standards & Limitations for the Chicago Area (P-12491/93;A-1945)(P-7602)				
35 III. Adm. Code 218	Organic Material Emission Standards & Limitations for the Metro East Area (P-20203/93;A-4242)(P-7618)				
35 III. Adm. Code 105	Permits (16366/93;A-4244)				
35 III. Adm. Code 201	Permits & General Provisions (P-7636)				
35 III. Adm. Code 202	Petroleum Underground Storage Tanks (P-5403)				
35 III. Adm. Code 611	Primary Drinking Water Standards (P-7642)				

Vol. 18, Issue #20

ILLINOIS REGISTER

May 20, 1994

Pollution Control Board, cont.

CUMULATIVE INDEX

35 III. Adm. Code 813

35 III. Adm. Code 702

35 III. Adm. Code 703

35 III. Adm. Code 817

35 III. Adm. Code 810

35 III. Adm. Code 814

35 III. Adm. Code 726

35 III. Adm. Code 739

35 III. Adm. Code 811

35 III. Adm. Code 724

35 III. Adm. Code 303

35 III. Adm. Code 212

Procedural Requirements for Permitted Landfills (RQ-12409/93;EC-7501)

RCRA and UIC Permit Programs (P-406;A-6918)

RCRA Permit Program (P-419;A-6898)(P-6580)

Requirements for New Steel and Foundry Industry (P-6246)

Solid Waste Disposal: General Provisions (P-8702/93;A-1268)

Standards for Existing Landfills & Units (P-8714/93;A-1284)

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (P-6600)

Standards for the Management of Used Oil (P-455;A-6931)(C-5017)

Standards for New Solid Waste Landfills (P-8726/93;A-1308)(C-4434)(EC-3021/93;EC-7504)

Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (P-439;A-6973)(C-5015)(P-6641)

Water Use Designations & Site Specific Water Quality Standards (P-8726/93;A-2981)

Visible & Particulate Matter Emissions (P-967)

PROFESSIONAL REGULATIONS, DEPARTMENT OF

68 III. Adm. Code 1175 Barber, Cosmetology, Esthetics, and Nail Technology Act (P-20217/93;A-4856)

68 III. Adm. Code 1505 Certified Veterinary Technicians (P-5737)

68 III. Adm. Code 1400 Clinical Psychologist Licensing Act (P-2566)

68 III. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (P-8435/93;A-2370)

68 III. Adm. Code 1315 III. Occupational Therapy Practice Act (P-590;A-7373)

68 III. Adm. Code 1270 III. Professional Land Surveyor Act of 1989 (P-14550/93;A-5900)

68 III. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act (P-7194)

68 III. Adm. Code 1283 Marriage and Family Therapy Licensing Act (P-5477)

68 III. Adm. Code 1285 Medical Practice Act of 1987 (RQ-21209/93;EC-312)

68 III. Adm. Code 1455 Real Estate Appraiser Certificates (P-16379/93;A-2379)

89 III. Adm. Code 102 Rights and Responsibilities (P-2602)

68 III. Adm. Code 1480 Structural Engineering Licensing Act of 1989 (P-5749)

68 III. Adm. Code 1500 Veterinary Medicine and Surgery Practice Act (P-5758)

PUBLIC AID, DEPARTMENT OF

89 III. Adm. Code 112 Aid to Families with Dependent Children (P-2753;A-4546)(P-19436/93;A-5909)(P-22247/93;A-6994)(P-7208)

89 III. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-13380/93;A-2018)(P-4562)(P-21982/93;A-7759)

89 III. Adm. Code 111 Assistance Standards (P-18764/93;A-2029)(P-22262/93;A-7099)

89 III. Adm. Code 160 Child Support Enforcement (P-497)(P-12067/93;A-697)

89 III. Adm. Code 170 Demonstration Programs (P-19440/93;A-3372)

89 III. Adm. Code 149 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (P-15243/93;A-3378)

89 III. Adm. Code 121 Food Stamps (P-18425/93;A-2033)(P-2178)(E-2509)(P-16405/93;A-3427)(P-4575)(P-6251)

89 III. Adm. Code 114 General Assistance (P-19443/93;A-3436)(P-4586)(P-22308/93;A-7390)

89 III. Adm. Code 152 Hospital Reimbursement Changes (P-1677)(E-2150)

89 III. Adm. Code 148 Hospital Services (P-15291/93;A-3450)(P-5135)

89 III. Adm. Code 153 Long Term Care Reimbursement Changes (P-1686)(E-2159)

89 III. Adm. Code 120 Medical Assistance Programs (P-13392/93;A-2051)(P-4063)(P-221266/93;A-5934)

89 III. Adm. Code 140 Medical Payment (P-18436/93;A-3620)(P-17736/93;A-3620)(P-15444/93;A-4250)(P-4077)(P-4597)(P-3778)(P-18768/93;A-5951)

89 III. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-14803/93;A-2405)(P-18788/93;A-4274)

89 III. Adm. Code 117 Related Program Provisions (P-21158/93;A-3746)(P-22007/93;A-7403)

89 III. Adm. Code 102 Rights and Responsibilities (P-15461/93;A-273)

PUBLIC HEALTH, DEPARTMENT OF

77 III. Adm. Code 692 AIDS Drug Reimbursement Program (P-12590/93;A-1427)

77 III. Adm. Code 598 Allied Health Care Professional Assistance Law (P-3077)

77 III. Adm. Code 205 Ambulatory Surgical Treatment Center Licensing Requirements (P-6653)

77 III. Adm. Code 665 Child Health Examination Code (P-2697/93;A-4296)

77 III. Adm. Code 690 Communicable Disease Control & Immunizations (P-1690)

77 III. Adm. Code 635 Family Planning (P-19882/93;A-5969)

77 III. Adm. Code 250 Hospital Licensing Requirements (P-46)

77 III. Adm. Code 790 Illinois Formulary for the Drug Product Selection Program (PR-3202;P-3205)(ER-3755;E-3778)

6

(Transportation, cont.)	
92 Ill. Adm. Code 708	Floodway Construction in Northeastern Ill. (P-1811)
92 Ill. Adm. Code 171	General Information, Regulations and Definitions (P-21314/93;A-7861)
92 Ill. Adm. Code 172	Hazardous Materials Table and Hazardous Materials (P-21326/93;A-7874)
92 Ill. Adm. Code 395	Hours of Service of Drivers (P-13693/93;A-743)
92 Ill. Adm. Code 396	Inspection, Repair & Maintenance (P-13699/93;A-749)
92 Ill. Adm. Code 440	Minimum Safety Standards for Construction of Type I School Buses (P-6272)
92 Ill. Adm. Code 442	Minimum Safety Standards for Construction of Type II School Buses (P-6304)
92 Ill. Adm. Code 444	Minimum Safety Standards for Construction of School Buses used in Special Education Transportation (P-6318)
92 Ill. Adm. Code 390	Motor Carrier Safety Regs. (P-13986/93;A-754)(P-2912)
92 Ill. Adm. Code 456	Non-scheduled Bus Inspections (P-4126)
92 Ill. Adm. Code 393	Parts & Accessories Necessary for Safe Operation (P-13730/93;A-774)
44 Ill. Adm. Code 650	Prerequisites of Contractors & Issuance of Plans & Proposals (P-3208)
92 Ill. Adm. Code 107	Procedures (P-21333/93;A-7881)
92 Ill. Adm. Code 386	Procedures & Enforcement (P-13734/93;A-778)
92 Ill. Adm. Code 391	Qualification of Drivers (P-13739/93;A-783)
92 Ill. Adm. Code 518	Relocation Assistance and Payments Program (P-12628/93;A-283)
92 Ill. Adm. Code 173	Shippers General Requirements for Shipments and Packaging (P-21345/93;A-7895)
92 Ill. Adm. Code 178	Specifications for Packaging (P-21351/93;A-7901)
92 Ill. Adm. Code 179	Specifications for Tank Cars (P-21362/93;A-7912)
92 Ill. Adm. Code 533	Use and Employment of Rest Areas (P-18447/93;A-2625)
92 Ill. Adm. Code 450	Vehicle Inspection Section Hearings (P-7733)
UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF	
23 Ill. Adm. Code 1300	Certificate of Certified Accountants (P-5515)
89 Ill. Adm. Code 1200	Program Content & Guidelines for Division of Specialized Care for Children (P-7780/93;A-2104)
NOTICE OF PUBLIC HEARINGS	
56 Ill. Adm. Code 6000; Carnival and Amusement Ride Inspection Law	6187
CARNIVAL-AMUSEMENT SAFETY BOARD	
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 408; Licensing Standards for Group Day Care Homes	5364
89 Ill. Adm. Code 406; Licensing Standards for Day Care Homes	5363
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
77 Ill. Adm. Code 830; Structural Pest Control Code	2174
NOTICE OF PUBLIC INFORMATION	
AGRICULTURE, DEPARTMENT OF	
Animal Diagnostic Laboratory Act	2527
ATTORNEY GENERAL, ILLINOIS	
Proposed Consent Decrees pursuant to the Comprehensive Environment Response, Compensation & Liability Act & the Ill. Environmental Protection Act;	
Amoco Chemical/Joliet Landfill	3035
BANKS AND TRUST COMPANIES, COMMISSIONER OF	
Notice of Public Meeting of the Illinois Fiduciary Advisory Committee	556
Notice of Public Meeting-State Banking Board of Ill. and the Board of Trustees of the Ill. Bank Examiner's Education Foundation	2528
Notice of Acceptance of an Application; AMBANC Corp., Vincennes, Indiana to Acquire Lincolnland Bancshares, Inc., Casey, Ill.	7511
ENVIRONMENTAL PROTECTION AGENCY	
Listing of Derived Water Criteria	318
INSURANCE, DEPARTMENT OF	
Long-Term Care Partnership Insurance	4464
POLLUTION CONTROL BOARD	
Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) [415 ILCS 5/7.2(b)]	3154
PUBLIC AID, DEPARTMENT OF	
Proposed change in Reimbursements to Hospitals under the Medicaid Program	5020

(Notice of Public Information, cont.)	
REVENUE, DEPARTMENT OF	
Private Letter Rulings, Illinois Department of Labor Sunshine Act (20 ILCS 2515/1, et seq.)	7028
Index Letter Rulings (Fourth Quarter of 1993)(Income Tax)	7512
Index Letter Rulings (Fourth Quarter of 1993)(ROT)	7552
Index Letter Rulings (First Quarter of 1994)(Income Tax)	7953
NOTICE OF CORRECTIONS	
LIEUTENANT GOVERNOR, OFFICE OF THE	
Keep Ill. Beautiful Program; 47 Ill. Adm. Code 600	796
REVENUE, DEPARTMENT OF	
Index of Letter Rulings (Third Quarter 1993) (ROT)	
SECRETARY OF STATE	
Ill. Safety Responsibility Law; 92 Ill. Adm. Code 1070	3016
NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS	
POLLUTION CONTROL BOARD	
Procedural Requirements for Permitted Landfills; 35 Ill. Adm. Code 813	3018
Standards for New Solid Waste Landfills; 35 Ill. Adm. Code 811	3021
NOTICE OF EXPEDITED CORRECTIONS	
COMMUNITY COLLEGE BOARD, ILLINOIS	
Administration of the Ill. Public Community Act; 23 Ill. Adm. Code 1501	3027
REGULATORY FLEXIBILITY IMPACT ANALYSIS	
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
2533, 2534, 3037, 3793, 3794, 4466, 6452, 6453, 7068, 7069	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
AGENDA	
Meeting of January 11, 1994	326
Meeting of February 15, 1994	2535
Meeting of March 22, 1994	
Meeting of April 19, 1994	6023
Meeting of May 17, 1994	7544
SECOND NOTICES RECEIVED	
334, 557, 801, 1658, 2175, 2543, 2668, 3038, 3156, 3795, 4474, 5022, 5365, 5711, 6029, 6188, 6455, 7072, 7552, 7961	
JOINT COMMITTEE ON ADMINISTRATIVE RULES-STATEMENTS OF OBJECTIONS, SUSPENSIONS, RECOMMENDATIONS, PROHIBITED FINDINGS & APPROVALS	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Solicitation for Charitable Payroll Deductions; 80 Ill. Adm. Code 2650, Recommendation	3151
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Licensing Standards for Day Care Homes; 89 Ill. Adm. Code 406, Recommendation	3152
Licensing Standards for Group Day Care Homes; 89 Ill. Adm. Code 408, Recommendation	3153
EMPLOYMENT SECURITY	
Notice, Records, Reports; 56 Ill. Adm. Code 2760, Objection	7070
FINANCIAL INSTITUTIONS	
Schedule of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges; 38 Ill. Adm. Code 130, Withdrawal of Filing Prohibition	7071
EXECUTIVE ORDERS AND PROCLAMATIONS	
94-1 The Illinois Task Force on School-To-Work Transition	1659
94-2 Executive Order Creating The Illinois Commission on Regulatory Review	1661
94-3 Flood Transfer III	2669
94-4 Danville Sewage Treatment Facility	7074

PROCLAMATIONS

93-553	Financial Literacy for Youth Month	336
93-554	Religious Freedom Day	559
93-555	Franchising Week	559
93-556	Self-Esteem Month	560
94-1	Black Data Processing Associates Day	802
94-2	Sesoma National Heritage Freedom Week	802
94-3	Alcoholism Halfway House Days	803
94-4	Bangladesh Day	803
94-5	Catholic Schools Week	804
94-6	Land Surveyors' Month	804
94-7	Dr. Martin Luther King Jr. Day/Day of Tribute	804
94-8	African-American Unity March Day	2346
94-9	Human Services Week	2546
94-10	Ivan And Ruth Frick Day	2547
94-11	Week of the High Risk Child	2547
94-12	African-American History Month	2548
94-13	Free Enterprise Week	2548
94-14	International Festival Week	2548
94-15	Martina Navratilova Days	2549
94-16	Save A Life Day	2550
94-17	Student Financial Aid Awareness Month	2550
94-18	Self-Esteem Week	2674
94-19	Long-Term Care Administrators Week	2674
94-20	Nursing Home Week	2674
94-21	Kiwania Week	2675
94-22	AFS Host Family Recognition Week	2675
94-23	Little City Foundation/Chicago Luvabulls Super Bowl Party Day	2676
94-24	National People's Action Take Back Our Streets and Communications Day	2676
94-25	Toughlove Programs Against Violence Month/Day Against Violence	2677
94-26	FFA Week	2677
94-27	Child Passages Safety Month	2678
94-28	Dr. Carter G. Woodson Day	2679
94-29	Four Chaplains Sunday	2679
94-30	Lithuanian Independence Day	2680
94-31	Seed Month	2680
94-32	Post Anesthesia Nurses Awareness Week	2681
94-33	Dick Helton Day	3040
94-34	Engineers Week	3040
94-35	Future Business Leaders of America-Phi Lambda Week	3040
94-36	GFWC Waikana Woman's Club Day	3040
94-37	Manufacturing Week	3041
94-38	Marketing Week	3042
94-39	Multiple Sclerosis Awareness Month	3042
94-40	Nutrition Month	3042
94-41	Reading Is Fun Week	3043
94-42	Tornado Preparedness Week	3043
94-43	Representative Bob Olson Day	3044
94-44	Doctor's Day	3157
94-45	African American Contractors Day	3157
94-46	American Red Cross Month	3157
94-47	Chicago Academy for The Arts-5th Annual Dessert Classic Day	3158
94-48	Chronic Fatigue Syndrome Awareness Month	3159
94-49	National American Business Club Month	3160
94-50	School Breakfast Week	3160
94-51	School Social Work Week	3160
94-52	Denim Day	3162
94-53	Dental Assistants Recognition Week	3162
94-54	Employ The Older Worker Week	3162

94-55	Breastfeeding Promotion Month	3797
94-56	Herman M. Fitch Day	3797
94-57	Music Education Day At The Capitol	3798
94-58	Caramadia Day	3798
94-59	DuPage Symphony Orchestra Day	3799
94-60	Eye Donor Awareness Month	3800
94-61	Southern Illinois University Quasiquicentennial Day	3800
94-62	Apprenticeship Week	4475
94-63	Building Safety Week	4475
94-64	Greek Independence Day	4476
94-65	Malcolm X College Career Expo Day	4476
94-66	Professional Social Workers Month	4477
94-67	Casimir Pulaski Day	4477
94-68	Alcohol Awareness Month/Illinois State Youth Forum Day	4478
94-69	Certified Nurse Assistant Day	4478
94-70	Curtis Mayfield Day	4479
94-71	Licensed Practical Nurse Week	4479
94-72	Long-Term Care Nurses Week	4480
94-73	Volunteer Week	4480
94-74	Youth Art Month	4481
94-75	Parents Inservice Conference Days	4481
94-76	Bob Leininger Day	4482
94-77	Casimir Pulaski Day (Revised)	5024
94-78	Chicago Opportunity Days	5024
94-79	Mental Retardation And SPARC Awareness Month	5025
94-80	Tree City USA Month	5025
94-81	Agriculture Day	5026
94-82	Thetian Day	5367
94-83	Violence Prevention Month	5367
94-84	Bicycle Helmet and Safety Awareness Week	5368
94-85	Free Paper Week	5368
94-86	V.A. West Side Medical Center Women's History Month	5369
94-87	Camp Fire Boys and Girls Day	5369
94-88	Chicago Latino Film Festival Days	5370
94-89	Student Council Week	5370
94-90	U.S. Savings Bond Campaign Month	5370
94-91	High Blood Pressure and Stroke Awareness Month	5712
94-92	Irish American Heritage Month	5712
94-93	Youth Temperance Education Week	5713
94-94	Arbor Day in Palos Heights	5713
94-95	Federal Employees of the Year Day	5714
94-96	Henrietta Stark Day	5714
94-97	Lake and Watershed Management Month	5715
94-98	Medical Laboratory Week	5716
94-99	Motorcycle Awareness Month	5716
94-100	Nurses: The Heart of the Health Care Team Day	5717
94-101	Public Health Month	5717
94-102	Rural Electric and Telephone Youth Day	5718
94-103	Student-Athlete Day	6031
94-104	Call Before You Dig Month	6031
94-105	Continuity Of Care Week	6032
94-106	D.A.R.E. Day	6032
94-107	Illinois Community College Month	6032
94-108	Sexual Assault Awareness Month	6033
94-109	STD Awareness Month	6033
94-110	Women's Federation For World Peace Days	6034
94-111	American Association for Affirmative Action Days	6034
94-112	Illinois State Quarter Convention Week	6035
	Probation Officer Day	6035

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #20

May 20, 1994

94-113	Professional Secretaries Week/Professional Secretaries Day	6036
94-114	Saving Month	6036
94-115	Soccer In The Street Day	6036
94-116	Telecommunicator Week	6037
94-117	Infant Immunization Week	6037
94-118	Natural Resources Stewardship Month	6038
94-119	Holocaust Commemoration Month	6190
94-120	Illinois Cancer Pain Awareness Week	6190
94-121	Emergency Medical Services Week	6191
94-122	Home Safety Week	6191
94-123	Manufactured Housing Month	6192
94-124	Month of the Young Child	6192
94-125	Organ And Tissue Donor Awareness Week	6193
94-126	Queen Isabella Day	6193
94-127	Week of the Young Child	6194
94-128	Harry Caray Day	6194
94-129	Logistics Week	6195
94-130	AIDS Awareness Day/AIDS Walk Springfield Day	6195
94-131	American POW Recognition Day	6196
94-132	James S. Kemper, Jr. Day	6196
94-133	Jewish Cultural Week	6197
94-134	Pakistan Day	6197
94-135	Purple Bows For Cancer's 2nd Introduction Day	6198
94-136	Chicago Youth Symphony Orchestra Day	6198
94-137	Crime Victims Rights Week	6199
94-138	Holocaust Commemoration Month (Revised)	6199
94-139	Israel Independence Day	6200
94-140	Louis B. Kuhn Day	6201
94-141	Tufts' Week	6201
94-142	Disaster Area-Douglas County	6457
94-143	Disaster Area-Calhoun, Green and Jersey Counties	6457
94-144	Disaster Area-Exist Within State of Illinois	6458
94-145	Disaster Area-Alexander, Cass, Menard, Sangamon, Dewitt and Vermillion Counties	6458
94-146	Anthony M. Tortorello Day	6459
94-147	Dave and Linda Kindermay Day	6459
94-148	Design/Drafting Week	6460
94-149	Harold Washington Day	6461
94-150	Illinois Eye Fund/UIC Eye Center Day	6461
94-151	Medical Assistants Week	6462
94-152	Year of the Conger Expedition	6462
94-153	Youth Service Day	6463
94-154	Chicago Coin Club Day	6463
94-155	Child Abuse Prevention Services Day	6464
94-156	Keep America Beautiful Month	6464
94-157	Seth In Starna Day	6465
94-158	Girl Scout Leaders Day	6465
94-159	Disaster Area-Champaign and Iroquois Counties	7075
94-160	Christian Heritage Week	7075
94-161	Darryl Hartley-Leonard and Hyatt Hotels Corporation Day	7076
94-162	Scientific Literacy Week	7076
94-163	E.M. (Buck) Chastain Day	7077
94-164	Groundwater Protection Month	7078
94-165	Monsignor Edward J. Duncan Day	7078
94-166	Smiles for Little City Days	7079
94-167	George Hovanes Appreciation Day	7079
94-168	Kim Deakins, Janelle King and Mary Murphy Day	7080
94-169	Suicide Prevention Week/Survivors of Suicide Day	7081
94-170	Day of Prayer	7081
	James M. Bailey Day	7081

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 18, Issue #20

May 20, 1994

94-171	Chicago Commons Month	7082
94-172	Charleston Area Senior Center Day	7083
94-173	Community Banking Week	7083
94-174	Correctional Officer Week	7084
94-175	Dyslexia/Learning Disabilities Month	7084
94-176	Home Education Week	7085
94-177	Mattoon Area Senior Center Day	7085
94-178	Zion Missionary Baptist Day	7086
94-179	Disaster Areas - Madison, Madon, Monroe, Platt and St. Clair Counties	7086
94-180	Better Hearing and Speech Month	7086
94-181	Bike Month	7086
94-182	Cyotechnology Day	7086
94-183	Drinking Water Week	7086
94-184	George Tammings Day	7086
94-185	Holy Name of Mary Parish Women's Day	7086
94-186	Law Day	7086
94-187	Mathematics Awareness Week	7086
94-188	Metropolitan Pier and Exposition Authority Employee Longevity Day	7086
94-189	Mother of the Year Day	7086
94-190	Nurses Week	7086
94-191	Older Americans Month	7086
94-192	Public Service Recognition Day	7086
94-193	Children's Emotional and Behavioral Disorders Awareness Week	7086
94-194	Illinois Small Business Week	7086
94-195	Hadasah Days	7086
94-196	Family Service DuPage Day	7086
94-197	Life Insurance Week	7086
94-198	South Holland Centennial Day/South Holland Centennial Month	7086
94-199	Asian Pacific American Heritage Month	7086
94-200	Dr. Joseph C. Dalpiaz Day	7086
94-201	Foster Parent Appreciation Month	7086
94-202	Polish Constitution Day	7086
94-203	Women in Trades Career Day	7086
94-204	Illinois State Chamber of Commerce/75th Anniversary Year	7086
94-205	Loyalty Day	7086
94-206	Music Week	7086
94-207	RP Awareness Day	7086
94-208	Chicago Crime Commission Day	7086
94-209	Eugene E. Langer Day	7086
94-210	National Association of Women Business Owners Public Affairs Day	7086
94-211	Physical Fitness and Sports Month/Physical Education and Sports Week	7086
94-212	Project Aces Day	7086
94-213	Cambodian Culture Days	7086
94-214	Gene Siskel Day	7086
94-215	Kantorel Week	7086
94-216	React Month	7086
94-217	Womens Lawyers' Day	7086

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/93; A-6520). The codes are listed below.

TYPE OF RULE MAKING			ACTION CODE		
am	cc	n	A = Adopted Rule	PF = Prohibited Filing	
cc	cc	n	E = Emergency	S = Suspension	
n	n	n	P = Proposed Rule	O = JCAR Objection	
r	r	r	PP = Perpetuity	F = Failure to Remedy Objections	
re	re	re	M = Modification	Objection	
#	#	#	W = Withdrawl	RC = Recommendations	
			CC = Codification Changes	EC = Expedited Correction	
			RQ = Request for Correction	C = Correction	
1994					
TITLE 1					
100.100	(P-7087)	am	(P-7087)	220.286	(P-13307/93.A-4756)
100.110	(P-7087)	am	(P-7087)	220.300	(P-13307/93.A-4756)
100.140	(P-7087)	am	(P-7087)	220.450	(P-13307/93.A-4756)
100.150	(P-7087)	am	(P-7087)	220.600	(P-13307/93.A-4756)
100.180	(P-7087)	am	(P-7087)	220.760	(P-13307/93.A-4756)
100.180	(P-7087)	am	(P-7087)	220.760	(P-13307/93.A-4756)
100.200	(P-7087)	am	(P-7087)	220.800	(P-13307/93.A-4756)
100.220	(P-7087)	am	(P-7087)	220.900	(P-13307/93.A-4756)
100.225	(P-7087)	am	(P-7087)	220.950	(P-13307/93.A-4756)
100.240	(P-7087)	am	(P-7087)	220.1000	(P-13307/93.A-4756)
100.250	(P-7087)	am	(P-7087)	220.1100	(P-13307/93.A-4756)
100.280	(P-7087)	am	(P-7087)	220.1200	(P-13307/93.A-4756)
100.270	(P-7087)	am	(P-7087)	220.1250	(P-13307/93.A-4756)
100.280	(P-7087)	am	(P-7087)	220.1300	(P-13307/93.A-4756)
100.315	(P-7087)	am	(P-7087)	220.E.x.a	(P-13307/93.A-4756)
100.330	(P-7087)	am	(P-7087)	220.E.x.b	(P-13307/93.A-4756)
100.335	(P-7087)	am	(P-7087)	220.E.x.c	(P-13307/93.A-4756)
100.380	(P-7087)	am	(P-7087)	220.E.x.d	(P-13307/93.A-4756)
100.390	(P-7087)	am	(P-7087)	220.E.x.f	(P-13307/93.A-4756)
100.400	(P-7087)	am	(P-7087)	220.E.x.f	(P-13307/93.A-4756)
100.410	(P-7087)	am	(P-7087)	220.E.x.i	(P-13307/93.A-4756)
100.430	(P-7087)	am	(P-7087)	220.E.x.j	(P-13307/93.A-4756)
100.450	(P-7087)	re	(CC-7487)	220.E.x.k	(P-13307/93.A-4756)
100.500	(P-7087)	am	(P-13266/93.A-4739)	230	(CC-7486)
100.510	(P-7087)	am	(P-13266/93.A-4739)	230.100	(P-13223/93.A-1233)
100.530	(P-7087)	am	(P-13266/93.A-4739)	230.200	(P-13223/93.A-1233)
100.540	(P-7087)	am	(P-13266/93.A-4739)	230.300	(P-13223/93.A-1233)
100.545	(P-7087)	am	(P-13266/93.A-4739)	230.350	(P-13223/93.A-1233)
100.550	(P-7087)	re	(CC-7500)	230.375	(P-13223/93.A-1233)
100.600	(P-7087)	am	(P-13307/93.A-4756)	230.400	(P-13223/93.A-1233)
100.610	(P-7087)	am	(P-13307/93.A-4756)	230.550	(P-13223/93.A-1233)
100.640	(P-7087)	am	(P-13307/93.A-4756)	230.600	(P-13223/93.A-1233)
100.655	(P-7087)	am	(P-13307/93.A-4756)	230.700	(P-13223/93.A-1233)
100.880	(P-7087)	am	(P-13307/93.A-4756)	230.800	(P-13223/93.A-1233)

SAI-1

SAI-2

AI-1

ILLINOIS REGISTER

Volume 18, Issue #20		SECTIONS AFFECTED		May 20, 1999	
TITLE 23		TITLE 23		TITLE 23	
(Title 17, cont.)	n	1810.900	n	(P-2051/693A-4834)	228.575
107.15	n	1810.810	n	(P-2051/693A-4834)	228.840
107.16	n	1810.720	n	(P-2051/693A-4834)	228.880
107.17	n	1810.700	n	(P-2051/693A-4834)	228.882
107.18	n	1810.710	n	(P-2051/693A-4834)	228.688
107.19	n	1810.720	n	(P-2051/693A-4834)	228.680
107.20	n	1810.730	n	(P-2051/693A-4834)	245.10
107.21	n	1810.800	n	(P-2051/693A-4834)	245.30
107.22	n	1810.810	n	(P-2051/693A-4834)	245.40
107.23	n	1810.910	n	(P-2051/693A-4834)	245.50
107.24	n	1810.1000	n	(P-2051/693A-4834)	245.60
107.25	n	1810.1010	n	(P-2051/693A-4834)	245.70
107.26	n	1810.1020	n	(P-2051/693A-4834)	245.80
107.27	n	1810.1030	n	(P-2051/693A-4834)	245.90
107.28	n	1810.1100	n	(P-2051/693A-4834)	246.00
107.29	n	1810.1110	n	(P-2051/693A-4834)	246.10
107.30	n	1810.1120	n	(P-2051/693A-4834)	246.20
107.31	n	1810.1130	n	(P-2051/693A-4834)	246.30
107.32	n	1810.1140	n	(P-2051/693A-4834)	246.40
107.33	n	1810.1150	n	(P-2051/693A-4834)	246.50
107.34	n	1810.1160	n	(P-2051/693A-4834)	246.60
107.35	n	1810.1170	n	(P-2051/693A-4834)	246.70
107.36	n	1810.1180	n	(P-2051/693A-4834)	246.80
107.37	n	1810.1190	n	(P-2051/693A-4834)	246.90
107.38	n	1810.1200	n	(P-2051/693A-4834)	247.00
107.39	n	1810.1210	n	(P-2051/693A-4834)	247.10
107.40	n	1810.1220	n	(P-2051/693A-4834)	247.20
107.41	n	1810.1230	n	(P-2051/693A-4834)	247.30
107.42	n	1810.1240	n	(P-2051/693A-4834)	247.40
107.43	n	1810.1250	n	(P-2051/693A-4834)	247.50
107.44	n	1810.1260	n	(P-2051/693A-4834)	247.60
107.45	n	1810.1270	n	(P-2051/693A-4834)	247.70
107.46	n	1810.1280	n	(P-2051/693A-4834)	247.80
107.47	n	1810.1290	n	(P-2051/693A-4834)	247.90
107.48	n	1810.1300	n	(P-2051/693A-4834)	248.00
107.49	n	1810.1310	n	(P-2051/693A-4834)	248.10
107.50	n	1810.1320	n	(P-2051/693A-4834)	248.20
107.51	n	1810.1330	n	(P-2051/693A-4834)	248.30
107.52	n	1810.1340	n	(P-2051/693A-4834)	248.40
107.53	n	1810.1350	n	(P-2051/693A-4834)	248.50
107.54	n	1810.1360	n	(P-2051/693A-4834)	248.60
107.55	n	1810.1370	n	(P-2051/693A-4834)	248.70
107.56	n	1810.1380	n	(P-2051/693A-4834)	248.80
107.57	n	1810.1390	n	(P-2051/693A-4834)	248.90
107.58	n	1810.1400	n	(P-2051/693A-4834)	249.00
107.59	n	1810.1410	n	(P-2051/693A-4834)	249.10
107.60	n	1810.1420	n	(P-2051/693A-4834)	249.20
107.61	n	1810.1430	n	(P-2051/693A-4834)	249.30
107.62	n	1810.1440	n	(P-2051/693A-4834)	249.40
107.63	n	1810.1450	n	(P-2051/693A-4834)	249.50

ILLINOIS REGISTER

[illegible]

ILLINOIS REGISTER	
Volume 18, Issue #20	SECTIONS AFFECTED INDEX May 20, 1994

[Title 35, cont.]	811.101	am	(P-8726/93.A-1308)	(C-4434)	811.715	am	(C-4434)	(P-8726/93.A-1308)	(C-4434)	200.260	r	(P-22)
					811.4p.A					200.270	r	(P-22)
	811.107	am	(P-8726/93.A-1308)	(C-4434)	811.4p.A	il.A	am	(P-8726/93.A-1308)	(C-4434)	200.280	r	(P-22)
	811.110	am	(P-8726/93.A-1308)	(C-4434)	il.C		am	(P-8726/93.A-1308)	(C-4434)	200.290	r	(P-22)
	811.111	am	(P-8726/93.A-1308)	(C-4434)	il.D		am	(P-8726/93.A-1308)	(C-4434)	200.300	r	(P-22)
	811.112	n	(P-8726/93.A-1308)	(C-4434)	il.E		am	(P-8726/93.A-1308)	(C-4434)	200.310	r	(P-22)
	811.302	am	(P-8726/93.A-1308)	(C-4434)	811.4p.B		am	(P-8726/93.A-1308)	(C-4434)	200.320	r	(P-22)
	811.303	am	(P-8726/93.A-1308)	(C-4434)	813.106		am	(P-8726/93.A-2409)	(C-4434)	200.330	am	
	811.308	am	(P-8726/93.A-1308)	(C-4434)	814.101		am	(P-8714/93.A-1284)	(C-4434)	200.340	r	(P-22)
	811.310	am	(P-8726/93.A-1308)	(C-4434)	814.102		am	(P-8714/93.A-1284)	(C-4434)	200.350	r	(P-22)
			(P-8726/93.A-1308)	(C-4434)	814.103		am	(P-8714/93.A-1284)	(C-4434)	200.360	r	(P-22)
			(P-8726/93.A-1308)	(C-4434)	814.104		am	(P-8714/93.A-1284)	(C-4434)	200.370	r	(P-22)
	811.311	am	(P-8726/93.A-1308)	(C-4434)	814.105		am	(P-8714/93.A-1284)	(C-4434)	200.380	r	(P-22)
			(P-8726/93.A-1308)	(C-4434)	814.106		am	(P-8714/93.A-1284)	(C-4434)	200.390	r	(P-22)
	811.314	am	(P-8726/93.A-1308)	(C-4434)	814.108		am	(P-8714/93.A-1284)	(C-4434)	200.400	r	(P-22)
	811.316	am	(P-8726/93.A-1308)	(C-4434)	814.302		am	(P-8714/93.A-1284)	(C-4434)	200.410	r	(P-22)
	811.319	am	(P-8726/93.A-1308)	(C-4434)	814.5p.A		am	(P-8714/93.A-1284)	(C-4434)	200.420	r	(P-22)
			(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.430	r	(P-22)
	811.320	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.440	r	(P-22)
	811.323	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.450	r	(P-22)
	811.324	n	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.460	r	(P-22)
	811.325	n	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.470	r	(P-22)
	811.326	n	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.480	r	(P-22)
	811.700	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.490	r	(P-22)
	811.701	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.500	r	(P-22)
	811.702	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.510	r	(P-22)
	811.703	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.520	r	(P-22)
	811.704	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.530	r	(P-22)
	811.705	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.540	r	(P-22)
	811.706	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.550	r	(P-22)
	811.707	am	(P-8726/93.A-1308)	(C-4434)	817.306		n	(P-8726/93.A-1308)	(C-4434)	200.560	r	(P-22

SAI-10

ILLINOIS REGISTER	
Volume 18, Issue #20	SECTIONS AFFECTED INDEX May 20, 1994

[illegible]

SAI-9

ILLINOIS REGISTER

[illegible]

ILLINOIS REGISTER

Volume 18, Issue #20

SECTIONS AFFECTED INDEX

May 20, 1994

(Title 68, cont.)								
2850.330	am	(P-2008/93.A.6022)	1175.1020	am	(P-2021/793.A.4856)	1465.30	am	(P-7194)
2850.332	am	(P-2008/93.A.6022)	1175.1025	am	(P-2021/793.A.4856)	1465.35	n	(P-7194)
2850.340	am	(P-2008/93.A.6022)	1175.1035	am	(P-2021/793.A.4856)	1465.40	n	(P-7194)
2850.350	am	(P-2008/93.A.6022)	1175.1035	am	(P-2021/793.A.4856)	1465.50	am	(P-7194)
2760.127	am	(P-2831.62.97078.7452)	1175.1105	am	(P-2021/793.A.4856)	1465.70	n	(P-7194)
2760.140	am	(P-1626/93.A.2611)	1175.1110	am	(P-2021/793.A.4856)	1470.5	r	(P-6435/93.A.2370)
2770.100	am	(P-1626/93.A.2501)	1175.1115	am	(P-2021/793.A.4856)	1470.5	r	(P-6435/93.A.2370)
2770.105	am	(P-1626/93.A.2501)	1175.1120	am	(P-2021/793.A.4856)	1470.7	am	(P-6435/93.A.2370)
2770.110	am	(P-1626/93.A.2501)	1175.1125	am	(P-2021/793.A.4856)	1470.20	am	(P-6435/93.A.2370)
2770.130	am	(P-18421/93.A.4160)	1175.1135	am	(P-2021/793.A.4856)	1470.60	am	(P-6435/93.A.2370)
2915.440	n	(P-18415/93.A.4134)	1175.1145	am	(P-2021/793.A.4856)	1470.140	am	(P-5749)
2915.445	n	(P-18415/93.A.4134)	1175.1145	am	(P-2021/793.A.4856)	1470.190	am	(P-5749)
2815.47	n	(P-18415/93.A.4134)	1175.1150	am	(P-2021/793.A.4856)	1480.190	am	(P-5749)
2824.95	am	(P-18427/93.A.4188)	1175.1155	am	(P-2021/793.A.4856)	1500.35	am	(P-5758)
2824.95	am	(P-18427/93.A.4188)	1175.1155	am	(P-2021/793.A.4856)	1500.35	am	(P-5758)
2823.75	am	(P-18427/93.A.4188)	1175.1165	am	(P-2021/793.A.4856)	1500.11	am	(P-5758)
8000.10	am	(P-6040)	1175.1170	am	(P-2021/793.A.4856)	1500.15	am	(P-5758)
8000.30	am	(P-6040)	1175.1175	am	(P-2021/793.A.4856)	1500.20	am	(P-5758)
8000.40	am	(P-6040)	1175.1180	am	(P-2021/793.A.4856)	1500.25	am	(P-5758)
8000.85	am	(P-6040)	1175.1205	am	(P-2021/793.A.4856)	1500.30	am	(P-5758)
8000.70	am	(P-6040)	1175.1210	am	(P-2021/793.A.4856)	1500.35	am	(P-5758)
8000.60	am	(P-6040)	1175.1215	am	(P-2021/793.A.4856)	1500.50	am	(P-5758)
6000.110	am	(P-6040)	1270.10	am	(P-14550/93.A.5900)	1500.55	am	(P-5758)
6000.120	am	(P-6040)	1270.15	am	(P-14550/93.A.5900)	1500.60	am	(P-5758)
6000.130	am	(P-6040)	1270.13	am	(P-14550/93.A.5900)	1500.70	am	(P-5737)
6000.140	am	(P-6040)	1283.20	n	(P-5477)	1505.10	am	(P-5737)
6000.150	am	(P-6040)	1283.20	n	(P-5477)	1505.20	am	(P-5737)
6000.160	am	(P-6040)	1283.60	n	(P-5477)	1505.30	am	(P-5737)
6000.170	am	(P-6040)	1283.60	n	(P-5477)	1505.40	am	(P-5737)
6000.180	am	(P-6040)	1283.60	n	(P-5477)	1505.55	am	(P-5737)
8000.220	am	(P-6040)	1283.80	n	(P-5477)	1505.60	am	(P-5737)
8000.250	am	(P-6040)	1283.90	n	(P-5477)	1505.65	am	(P-5737)
8000.260	am	(P-6040)	1283.100	n	(P-5477)	1505.70	am	(P-5737)
8000.270	am	(P-6040)	1283.120	n	(P-5477)	TITLE 74		
8000.280	am	(P-6040)	1285.60	am	(RO-2109/93.EC-312)	275.10	n	(P-1664.E-2119, A.7754)
8000.290	am	(P-6040)	1315.90	am	(P-590-A-7373)	TITLE 77		
8000.300	am	(P-6040)	1315.100	am	(P-590-A-7373)	TITLE 77		
8000.310	am	(P-6040)	1315.110	am	(P-590-A-7373)	100.1	am	(P-12153/93.A.5980)
8000.320	am	(P-6040)	1315.120	am	(P-590-A-7373)	100.2	am	(P-12153/93.A.5980)
8000.330	am	(P-6040)	1315.130	am	(P-590-A-7373)	100.3	am	(P-12153/93.A.5980)
8000.340	am	(P-6040)	1315.140	am	(P-590-A-7373)	100.4	am	(P-12153/93.A.5980)
8000.350	am	(P-6040)	1315.150	am	(P-590-A-7373)	100.5	am	(P-12153/93.A.5980)
8000.360	am	(P-6040)	1315.160	am	(P-590-A-7373)	100.6	am	(P-12153/93.A.5980)
8000.370	am	(P-6040)	1315.170	am	(P-590-A-7373)	100.7	am	(P-12153/93.A.5980)
8000.380	am	(P-6040)	1315.180	am	(P-590-A-7373)	100.8	am	(P-12153/93.A.5980)
8000.390	am	(P-6040)	1315.190	am	(P-590-A-7373)	100.9	am	(P-12153/93.A.5980)
8000.400	am	(P-6040)	1315.200	am	(P-590-A-7373)	100.10	am	(P-12153/93.A.5980)
8000.410	am	(P-6040)	1315.210	am	(P-590-A-7373)	100.11	am	(P-12153/93.A.5980)
8000.420	am	(P-6040)	1315.220	am	(P-590-A-7373)	100.12	am	(P-12153/93.A.5980)
8000.430	am	(P-6040)	1315.230	am	(P-590-A-7373)	100.13	am	(P-12153/93.A.5980)
8000.440	am	(P-6040)	1315.240	am	(P-590-A-7373)	100.14	am	(P-12153/93.A.5980)
8000.450	am	(P-6040)	1315.250	am	(P-590-A-7373)	100.15	am	(P-12153/93.A.5980)
8000.460	am	(P-6040)	1315.260	am	(P-590-A-7373)	100.16	am	(P-12153/93.A.5980)
8000.470	am	(P-6040)	1315.270	am	(P-590-A-7373)	100.17	am	(P-12153/93.A.5980)
8000.480	am	(P-6040)	1315.280	am	(P-590-A-7373)	100.18	am	(P-12153/93.A.5980)
8000.490	am	(P-6040)	1315.290	am	(P-590-A-7373)	100.19	am	(P-12153/93.A.5980)
8000.500	am	(P-6040)	1315.300	am	(P-590-A-7373)	100.20	am	(P-12153/93.A.5980)
8000.510	am	(P-6040)	1315.310	am	(P-590-A-7373)	100.21	am	(P-12153/93.A.5980)
8000.520	am	(P-6040)	1315.320	am	(P-590-A-7373)	100.22	am	(P-12153/93.A.5980)
8000.530	am	(P-6040)	1315.330	am	(P-590-A-7373)	100.23	am	(P-12153/93.A.5980)
8000.540	am	(P-6040)	1315.340	am	(P-590-A-7373)	100.24	am	(P-12153/93.A.5980)
8000.550	am	(P-6040)	1315.350	am	(P-590-A-7373)	100.25	am	(P-12153/93.A.5980)
8000.560	am	(P-6040)	1315.360	am	(P-590-A-7373)	100.26	am	(P-12153/93.A.5980)
8000.570	am	(P-6040)	1315.370	am	(P-590-A-7373)	100.27	am	(P-12153/93.A.5980)
8000.580	am	(P-6040)	1315.380	am	(P-590-A-7373)	100.28	am	(P-12153/93.A.5980)
8000.590	am	(P-6040)	1315.390	am	(P-590-A-7373)	100.29	am	(P-12153/93.A.5980)
8000.600	am	(P-6040)	1315.400	am	(P-590-A-7373)	100.30	am	(P-12153/93.A.5980)
8000.610	am	(P-6040)	1315.410	am	(P-590-A-7373)	100.31	am	(P-12153/93.A.5980)
8000.620	am	(P-6040)	1315.420	am	(P-590-A-7373)	100.32	am	(P-12153/93.A.5980)
8000.630	am	(P-6040)	1315.430	am	(P-590-A-7373)	100.33	am	(P-12153/93.A.5980)
8000.640	am	(P-6040)	1315.440	am	(P-590-A-7373)	100.34	am	(P-12153/93.A.5980)
8000.650	am	(P-6040)	1315.450	am	(P-590-A-7373)	100.35	am	(P-12153/93.A.5980)
8000.660	am	(P-6040)	1315.460	am	(P-590-A-7373)	100.36	am	(P-12153/93.A.5980)
8000.670	am	(P-6040)	1315.470	am	(P-590-A-7373)	100.37	am	(P-12153/93.A.5980)
8000.680	am	(P-6040)	1315.480	am	(P-590-A-7373)	100.38	am	(P-12153/93.A.5980)
8000.690	am	(P-6040)	1315.490	am	(P-590-A-7373)	100.39	am	(P-12153/93.A.5980)
8000.700	am	(P-6040)	1315.500	am	(P-590-A-7373)	100.40	am	(P-12153/93.A.5980)
8000.710	am	(P-6040)	1315.510	am	(P-590-A-7373)	100.41	am	(P-12153/93.A.5980)
8000.720	am	(P-6040)	1315.520	am	(P-590-A-7373)	100.42	am	(P-12153/93.A.5980)
8000.730	am	(P-6040)	1315.530	am	(P-590-A-7373)	100.43	am	(P-12153/93.A.5980)
8000.740	am	(P-6040)	1315.540	am	(P-590-A-7373)	100.44	am	(P-12153/93.A.5980)
8000.750	am	(P-6040)	1315.550	am	(P-590-A-7373)	100.45	am	(P-12153/93.A.5980)
8000.760	am	(P-6040)	1315.560	am	(P-590-A-7373)	100.46	am	(P-12153/93.A.5980)
8000.770	am	(P-6040)	1315.570	am	(P-590-A-7373)	100.47	am	(P-12153/93.A.5980)
8000.780	am	(P-6040)	1315.580	am	(P-590-A-7373)	100.48	am	(P-12153/93.A.5980)
8000.790	am	(P-6040)	1315.590	am	(P-590-A-7373)	100.49	am	(P-12153/93.A.5980)
8000.800	am	(P-6040)	1315.600	am	(P-590-A-7373)	100.50	am	(P-12153/93.A.5980)
8000.810	am	(P-6040)	1315.610	am	(P-590-A-7373)	100.51	am	(P-12153/93.A.5980)
8000.820	am	(P-6040)	1315.620	am	(P-590-A-7373)	100.52	am	(P-12153/93.A.5980)
8000.830	am	(P-6040)	1315.630	am	(P-590-A-7373)	100.53	am	(P-12153/93.A.5980)
8000.840	am	(P-6040)	1315.640	am	(P-590-A-7373)	100.54	am	(P-12153/93.A.5980)
8000.850	am	(P-6040)	1315.650	am	(P-590-A-7373)	100.55	am	(P-12153/93.A.5980)
8000.860	am	(P-6040)	1315.660	am	(P-590-A-7373)	100.56	am	(P-12153/93.A.5980)
8000.870	am	(P-6040)	1315.670	am	(P-590-A-7373)	100.57	am	(P-12153/93.A.5980)
8000.880	am	(P-6040)	1315.680	am	(P-590-A-7373)	100.58	am	(P-12153/93.A.5980)
8000.890	am	(P-6040)	1315.690	am	(P-590-A-7373)	100.59	am	(P-12153/93.A.5980)
8000.900	am	(P-6040)	1315.700	am	(P-590-A-7373)	100.60	am	(P-12153/93.A.5980)
8000.910	am	(P-6040)	1315.710	am	(P-590-A-7373)	100.61	am	(P-12153/93.A.5980)
8000.920	am	(P-6040)	1315.720	am	(P-590-A-7373)	100.62	am	(P-12153/93.A.5980)
8000.930	am	(P-6040)	1315.730	am	(P-590-A-7373)	100.63	am	(P-12153/93.A.5980)
8000.940	am	(P-6040)	1315.740	am	(P-590-A-7373)	100.64	am	(P-12153/93.A.5980)
8000.950	am	(P-6040)	1315.750	am	(P-590-A-7373)	100.65	am	(P-12153/93.A.5980)
8000.960	am	(P-6040)	1315.760	am	(P-590-A-7373)	100.66	am	(P-12153/93.A.5980)
8000.970	am	(P-6040)	1315.770	am	(P-590-A-7373)	100.67	am	(P-12153/93.A.5980)
8000.980	am	(P-6040)	1315.780	am	(P-590-A-7373)	100.68	am	(P-12153/93.A.5980)
8000.990	am	(P-6040)	1315.790	am	(P-590-A-7373)	100.69	am	(P-12153/93.A.5980)
8001.000	am	(P-6040)	1315.800	am	(P-590-A-7373)	100.70	am	(P-12153/93.A.5980)
8001.010	am	(P-6040)	1315.810	am	(P-590-A-7373)	100.71	am	(P-12153/93.A.5980)
8001.020	am	(P-6040)	1315.820	am	(P-590-A-7373)	100.72	am	(P-12153/93.A.5980)
8001.030	am	(P-6040)	1315.830	am	(P-590-A-7373)	100.73	am	(P-12153/93.A.5980)
8001.040	am	(P-6040)	1315.840	am	(P-590-A-7373)	100.74	am	(P-12153/93.A.5980)
8001.050	am	(P-6040)	1315.850	am	(P-590-A-7373)	100.75	am	(P-12153/93.A.5980)
8001.060	am	(P-6040)	1315.860	am	(P-590-A-7373)	100.76	am	(P-12153/93.A.5980)
8001.070	am	(P-6040)	1315.870	am	(P-590-A-7373)	100.77	am	(P-12153/93.A.5980)
8001.080	am	(P-6040)	1315.880	am	(P-590-A-7373)	100.78	am	(P-12153/93.A.5980)
8001.090	am	(P-6040)	1315.890	am	(P-590-A-7373)	100.79	am	(P-12153/93.A.59

[illegible]

[Title: 72, cont.]	615,320	n	[P-1779/93(A-4320)]	672,115	am	[P-1226/93(A-2450)]	690,730	am	[P-1691]
	615,300	n	[P-1776/93(A-4320)]	672,205	am	[P-1226/93(A-2450)]	690,900	am	[P-1691]
	615,310	n	[P-1776/93(A-4320)]	672,210	am	[P-1226/93(A-2450)]	690,900	am	[P-1691]
	615,300	f	[P-1774/93(A-4317)]	672,220	am	[P-1226/93(A-2450)]	690,100	am	[P-1691]
	615,310	f	[P-1779/93(A-4320)]	672,226	am	[P-1226/93(A-2450)]	690,120	am	[P-1691]
	615,320	n	[P-1774/93(A-4317)]	672,230	am	[P-1226/93(A-2450)]	690,120	am	[P-1691]
	615,320	n	[P-1779/93(A-4320)]	672,310	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]
	615,330	n	[P-1774/93(A-4317)]	672,315	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]
	615,340	n	[P-1779/93(A-4320)]	672,405	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]
	615,340	n	[P-1779/93(A-4320)]	672,415	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]
615,350	f	[P-1779/93(A-4320)]	672,420	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,360	f	[P-1774/93(A-4317)]	672,425	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,370	f	[P-1774/93(A-4317)]	672,430	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,380	f	[P-1774/93(A-4317)]	672,440	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,390	f	[P-1774/93(A-4317)]	672,450	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,400	n	[P-1774/93(A-4317)]	672,505	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,400	n	[P-1779/93(A-4320)]	672,510	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,410	n	[P-1779/93(A-4320)]	672,520	am	[P-1226/93(A-2450)]	692,100	am	[P-1691]	
615,410	n	[P-1774/93(A-4317)]	672,600	am	[P-1226/93(A-2450)]	690,65	am	[P-1691]	
615,420	f	[P-1774/93(A-4317)]	672,605	am	[P-1226/93(A-2450)]	690,65	am	[P-1691]	
615,430	f	[P-1774/93(A-4317)]	672,610	am	[P-1226/93(A-2450)]	690,100	am	[P-1691]	
615,440	f	[P-1774/93(A-4317)]	672,615	am	[P-1226/93(A-2450)]	690,120	am	[P-1691]	
615,450	f	[P-1774/93(A-4317)]	672,620	am	[P-1226/93(A-2450)]	690,140	am	[P-1691]	
615,460	f	[P-1774/93(A-4317)]	672,640	am	[P-1226/93(A-2450)]	690,160	am	[P-1691]	
615,470	f	[P-1774/93(A-4317)]	672,645	am	[P-1226/93(A-2450)]	690,180	am	[P-1691]	
615,480	f	[P-1774/93(A-4317)]	672,650	am	[P-1226/93(A-2450)]	690,200	am	[P-1691]	
615,490	f	[P-1774/93(A-4317)]	672,660	am	[P-1226/93(A-2450)]	690,220	am	[P-1691]	
615,500	f	[P-1774/93(A-4317)]	672,665	am	[P-1226/93(A-2450)]	690,240	am	[P-1691]	
615,510	f	[P-1774/93(A-4317)]	680,100	am	[P-1691]	790,260	am	[P-1691]	
615,520	f	[P-1774/93(A-4317)]	680,110	n	[P-1691]	790,260	am	[P-1691]	
615,530	f	[P-1774/93(A-4317)]	680,120	n	[P-1691]	790,320	am	[P-1691]	
615,540	f	[P-1774/93(A-4317)]	680,130	am	[P-1691]	790,320	am	[P-1691]	
615,550	f	[P-1774/93(A-4317)]	680,300	am	[P-1691]	790,320	am	[P-1691]	
615,560	f	[P-1774/93(A-4317)]	680,310	am	[P-1691]	790,320	am	[P-1691]	
615,570	f	[P-1774/93(A-4317)]	680,320	am	[P-1691]	790,320	am	[P-1691]	
615,580	f	[P-1774/93(A-4317)]	680,325	n	[P-1691]	790,320	am	[P-1691]	
615,590	f	[P-1774/93(A-4317)]	680,330	am	[P-1691]	790,320	am	[P-1691]	
615,600	f	[P-1774/93(A-4317)]	680,335	am	[P-1691]	790,320	am	[P-1691]	
615,610	f	[P-1774/93(A-4317)]	680,350	am	[P-1691]	790,320	am	[P-1691]	
615,620	f	[P-1774/93(A-4317)]	680,370	am	[P-1691]	790,320	am	[P-1691]	
615,630	f	[P-1774/93(A-4317)]	680,380	am	[P-1691]	790,320	am	[P-1691]	
615,640	f	[P-1774/93(A-4317)]	680,390	am	[P-1691]	790,320	am	[P-1691]	
615,650	f	[P-1774/93(A-4317)]	680,400	am	[P-1691]	790,320	am	[P-1691]	
615,660	f	[P-1774/93(A-4317)]	680,410	am	[P-1691]	790,320	am	[P-1691]	
615,670	f	[P-1774/93(A-4317)]	680,420	am	[P-1691]	790,320	am	[P-1691]	
615,680	f	[P-1774/93(A-4317)]	680,430	am	[P-1691]	790,320	am	[P-1691]	
615,690	f	[P-1774/93(A-4317)]	680,440	am	[P-1691]	790,320	am	[P-1691]	
615,700	f	[P-1774/93(A-4317)]	680,450	am	[P-1691]	790,320	am	[P-1691]	
615,710	f	[P-1774/93(A-4317)]	680,460	am	[P-1691]	790,320	am	[P-1691]	
615,720	f	[P-1774/93(A-4317)]	680,470	am	[P-1691]	790,320	am	[P-1691]	
615,730	f	[P-1774/93(A-4317)]	680,480	am	[P-1691]	790,320	am	[P-1691]	
615,740	f	[P-1774/93(A-4317)]	680,490	am	[P-1691]	790,320	am	[P-1691]	
615,750	f	[P-1774/93(A-4317)]	680,500	am	[P-1691]	790,320	am	[P-1691]	
615,760	f	[P-1774/93(A-4317)]	680,505	am	[P-1691]	790,320	am	[P-1691]	
615,770	f	[P-1774/93(A-4317)]	680,510	am	[P-1691]	790,320	am	[P-1691]	
615,780	f	[P-1774/93(A-4317)]	680,515	am	[P-1691]	790,320	am	[P-1691]	
615,790	f	[P-1774/93(A-4317)]	680,520	am	[P-1691]	790,320	am	[P-1691]	
615,800	f	[P-1774/93(A-4317)]	680,525	am	[P-1691]	790,320	am	[P-1691]	
615,810	f	[P-1774/93(A-4317)]	680,530	am	[P-1691]	790,320	am	[P-1691]	
615,820	f	[P-1774/93(A-4317)]	680,535	am	[P-1691]	790,320	am	[P-1691]	
615,830	f	[P-1774/93(A-4317)]	680,540	am	[P-1691]	790,320	am	[P-1691]	
615,840	f	[P-1774/93(A-4317)]	680,545	am	[P-1691]	790,320	am	[P-1691]	
615,850	f	[P-1774/93(A-4317)]	680,550	am	[P-1691]	790,320	am	[P-1691]	
615,860	f	[P-1774/93(A-4317)]	680,555	am	[P-1691]	790,320	am	[P-1691]	
615,870	f	[P-1774/93(A-4317)]	680,560	am	[P-1691]	790,320	am	[P-1691]	
615,880	f	[P-1774/93(A-4317)]	680,565	am	[P-1691]	790,320	am	[P-1691]	
615,890	f	[P-1774/93(A-4317)]	680,570	am	[P-1691]	790,320	am	[P-1691]	
615,900	f	[P-1774/93(A-4317)]	680,575	am	[P-1691]	790,320	am	[P-1691]	
615,910	f	[P-1774/93(A-4317)]	680,580	am	[P-1691]	790,320	am	[P-1691]	
615,920	f	[P-1774/93(A-4317)]	680,585	am	[P-1691]	790,320	am	[P-1691]	
615,930	f	[P-1774/93(A-4317)]	680,590	am	[P-1691]	790,320	am	[P-1691]	
615,940	f	[P-1774/93(A-4317)]	680,595	am	[P-1691]	790,320	am	[P-1691]	
615,950	f	[P-1774/93(A-4317)]	680,600	am	[P-1691]	790,320	am	[P-1691]	
615,960	f	[P-1774/93(A-4317)]	680,605	am	[P-1691]	790,320	am	[P-1691]	
615,970	f	[P-1774/93(A-4317)]	680,610	am	[P-1691]	790,320	am	[P-1691]	
615,980	f	[P-1774/93(A-4317)]	680,615	am	[P-1691]	790,320	am	[P-1691]	
615,990	f	[P-1774/93(A-4317)]	680,620	am	[P-1691]	790,320	am	[P-1691]	
616,000	f	[P-1774/93(A-4317)]	680,625	am	[P-1691]	790,320	am	[P-1691]	
616,010	f	[P-1774/93(A-4317)]	680,630	am	[P-1691]	790,320	am	[P-1691]	
616,020	f	[P-1774/93(A-4317)]	680,635	am	[P-1691]	790,320	am	[P-1691]	
616,030	f	[P-1774/93(A-4317)]	680,640	am	[P-1691]	790,320	am	[P-1691]	
616,040	f	[P-1774/93(A-4317)]	680,645	am	[P-1691]	790,320	am	[P-1691]	
616,050	f	[P-1774/93(A-4317)]	680,650	am	[P-1691]	790,320	am	[P-1691]	
616,060	f	[P-1774/93(A-4317)]	680,655	am	[P-1691]	790,320	am	[P-1691]	
616,070	f	[P-1774/93(A-4317)]	680,660	am	[P-1691]	790,320	am	[P-1691]	
616,080	f	[P-1774/93(A-4317)]	680,665	am	[P-1691]	790,320	am	[P-1691]	
616,090	f	[P-1774/93(A-4317)]	680,670	am	[P-1691]	790,320	am	[P-1691]	
616,100	f	[P-1774/93(A-4317)]	680,675	am	[P-1691]	790,320	am	[P-1691]	
616,110	f	[P-1774/93(A-4317)]	680,680	am	[P-1691]	790,320	am	[P-1691]	
616,120	f	[P-1774/93(A-4317)]	680,685	am	[P-1691]	790,320	am	[P-1691]	
616,130	f	[P-1774/93(A-4317)]	680,690	am	[P-1691]	790,320	am	[P-1691]	
616,140	f	[P-1774/93(A-4317)]	680,695	am	[P-1691]	790,320	am	[P-1691]	
616,150	f	[P-1774/93(A-4317)]	680,700	am	[P-1691]	790,320	am	[P-1691]	
616,160	f	[P-1774/93(A-4317)]	680,705	am	[P-1691]	790,320	am	[P-1691]	
616,170	f	[P-1774/93(A-4317)]	680,710	am	[P-1691]	790,320	am	[P-1691]	
616,180	f	[P-1774/93(A-4317)]	680,715	am	[P-1691]	790,320	am	[P-1691]	
616,190	f	[P-1774/93(A-4317)]	680,720	am	[P-1691]	790,320	am	[P-1691]	
616,200	f	[P-1774/93(A-4317)]	680,725	am	[P-1691]	790,320	am	[P-1691]	
616,210	f	[P-1774/93(A-4317)]	680,730	am	[P-1691]	790,320	am	[P-1691]	
616,220	f	[P-1774/93(A-4317)]	680,735	am	[P-1691]	790,320	am	[P-1691]	
616,230	f	[P-1774/93(A-4317)]	680,740	am	[P-1691]	790,320	am	[P-1691]	
616,240	f	[P-1774/93(A-4317)]	680,745	am	[P-1691]	790,320	am	[P-1691]	
616,250	f	[P-1774/93(A-4317)]	680,750	am	[P-1691]	790,320	am	[P-1691]	
616,260	f	[P-1774/93(A-4317)]	680,755	am	[P-1691]	790,320	am	[P-1691]	
616,270	f	[P-1774/93(A-4317)]	680,760	am	[P-1691]	790,320	am	[P-1691]	
616,280	f	[P-1774/93(A-4317)]	680,765	am	[P-1691]	790,320	am	[P-1691]	
616,290	f	[P-1774/93(A-4317)]	680,770	am	[P-1691]	790,320	am	[P-1691]	
616,300	f	[P-1774/93(A-4317)]	680,775	am	[P-1691]	790,320	am	[P-1691]	
616,310	f	[P-1774/93(A-4317)]	680,780	am	[P-1691]	790,320	am	[P-1691]	
616,320	f	[P-1774/93(A-4317)]	680,785	am	[P-1691]	790,320	am	[P-1691]	
616,330	f	[P-1774/93(A-4317)]	680,790	am	[P-1691]	790,320	am	[P-1691]	
616,340	f	[P-1774/93(A-4317)]	680,795	am	[P-1691]	790,320	am	[P-1691]	
616,350	f	[P-1774/93(A-4317)]	680,800	am	[P-1691]	790,320	am	[P-1691]	
616,360	f	[P-1774/93(A-4317)]	680,805	am	[P-1691]	790,320	am	[P-1691]	
616,370	f	[P-1774/93(A-4317)]	680,810	am	[P-1691]	790,320	am	[P-1691]	
616,380	f	[P-1774/93(A-4317)]	680,815	am	[P-1691]	790,320	am	[P-1691]	
616,390	f	[P-1774/93(A-4317)]	680,820	am	[P-1691]	790,320	am	[P-1691]	
616,400	f	[P-1774/93(A-4317)]	680,825	am	[P-1691]	790,320	am	[P-1691]	
616,410	f	[P-1774/93(A-4317)]	680,830	am	[P-1691]	790,320	am	[P-1691]	
616,420	f	[P-1774/93(A-4317)]	680,835	am	[P-1691]	790,320	am	[P-1691]	
616,430	f	[P-1774/93(A-4317)]	680,840	am	[P-1691]	790,320	am	[

ILLINOIS REGISTER

Volume 18, Issue #20

SECTIONS AFFECTED INDEX

May 20, 1994

TITLE 77, cont.)	2080.70	am	(P-5028)	2700.110	am	(P-19755/93.A-7224)	505.20	am	(P-946)
	2080.100	am	(P-5029)	2700.200	am	(P-19755/93.A-7224)	505.210	am	(P-946)
2080.110	am	(P-5029)	2700.320	am	(P-19755/93.A-7224)	505.270	am	(P-946)	
2510.50	am	(P-18944/93.A-5300)	2700.410	am	(P-19755/93.A-7224)	505.280	am	(P-946)	
2510.70	am	(P-18944/93.A-5300)	2700.420	am	(P-19755/93.A-7224)	505.330	am	(P-946)	
2510.A	am	(P-18944/93.A-5300)	2700.430	am	(P-19755/93.A-7224)	505.340	am	(P-946)	
2510.A.B	am	(P-18944/93.A-5300)	2700.440	am	(P-19755/93.A-7224)	505.420	am	(P-946)	
2510.A.C	am	(P-18944/93.A-5300)	2700.450	am	(P-19755/93.A-7224)	505.430	am	(P-946)	
2510.A.D	am	(P-18944/93.A-5300)	2700.460	am	(P-19755/93.A-7224)	505.450	am	(P-946)	
2510.A.E	am	(P-18944/93.A-5300)	2700.820	am	(P-19755/93.A-7224)	505.470	am	(P-946)	
2530.A	am	(P-19007/93.A-5343)	2700.830	am	(P-19755/93.A-7224)	505.500	am	(P-946)	
2530.A.B	am	(P-19007/93.A-5343)	2700.840	am	(P-19755/93.A-7224)	505.1080	am	(P-946)	
TITLE 80									
260.110	am	(P-18453/93.A-1901)	2700.650	am	(P-19755/93.A-7224)	505.2070	am	(P-946)	
302.570	am	(P-14788/93.A-1892)	2700.670	am	(P-19755/93.A-7224)	505.2110	am	(P-946)	
302.840	am	(P-14788/93.A-1892)	2700.700	am	(P-19755/93.A-7224)	505.2140	am	(P-946)	
302.895	am	(P-14788/93.A-1892)	2700.710	am	(P-19755/93.A-7224)	505.4390	am	(P-946)	
310.40	am	(P-21233/93.A-5146)	2700.720	am	(P-19755/93.A-7224)	535.15	am	(P-6081)	
310.270	am	(P-21233/93.A-5146)	2700.730	am	(P-19755/93.A-7224)	535.100	am	(P-6081)	
310.280	am	(P-21233/93.A-5146)	2700.740	am	(P-19755/93.A-7224)	535.110	am	(P-6081)	
310.280	am	(P-14314/93.A-1107)	2700.750	am	(P-19755/93.A-7224)	535.120	am	(P-6081)	
310.435	am	(P-14314/93.A-1107)	2700.760	am	(P-19755/93.A-7224)	535.200	am	(P-6081)	
310.435	am	(P-14314/93.A-1107)	2700.820	am	(P-19755/93.A-7224)	535.300	am	(P-6081)	
310.530	am	(P-14314/93.A-1107)	2700.F.8	am	(P-19755/93.A-7224)	535.110	am	(P-6081)	
310.540	am	(P-14314/93.A-1107)	2700.F.9	am	(P-19755/93.A-7224)	535.120	am	(P-6081)	
310.A	am	(P-21233/93.A-5146)	2700.F.D	am	(P-19755/93.A-7224)	535.200	am	(P-6081)	
310.A.A	am	(P-21233/93.A-5146)	2700.F.E	am	(P-19755/93.A-7224)	535.205	am	(P-6081)	
310.T6	am	(P-21233/93.A-5146)	2700.F.F	am	(P-19755/93.A-7224)	535.210	am	(P-6081)	
310.A.D	am	(P-14314/93.A-1107)	TITLE 83						
310.A.D	am	(P-14314/93.A-1107)	200.875	am	(P-22117/93.A-7748)	535.300	am	(P-6081)	
310.A.G	am	(P-13657/93.A-1271)	280.50	am	(P-918)	535.310	am	(P-6081)	
1650.160	am	(P-22487/93.A-6349)	280.76	am	(P-6362/93.A-6160)	535.320	am	(P-6081)	
1650.180	am	(P-22487/93.A-6349)	280.130	am	(P-918)	535.330	am	(P-6081)	
1650.181	n	(P-22487/93.A-6349)	285.2045	am	(P-2723)	535.340	am	(P-6081)	
1650.182	am	(P-22487/93.A-6349)	285.3005	am	(P-2723)	535.350	am	(P-6081)	
1650.210	am	(P-22487/93.A-6349)	315.10	am	(P-202/93.A-676)	535.360	am	(P-6081)	
1650.230	am	(P-22487/93.A-6349)	315.20	am	(P-202/93.A-676)	535.400	am	(P-6081)	
1650.250	am	(P-22487/93.A-6349)	315.250	am	(P-202/93.A-676)	535.410	am	(P-6081)	
1650.280	am	(P-22487/93.A-6349)	315.300	am	(P-202/93.A-676)	535.500	am	(P-6081)	
1650.280	am	(P-22487/93.A-6349)	315.40	n	(P-202/93.A-676)	535.510	am	(P-6081)	
1650.340	am	(P-22487/93.A-6349)	315.60	n	(P-202/93.A-676)	590.10	am	(P-2720)	
1650.440	am	(P-22487/93.A-6349)	315.60	n	(P-202/93.A-676)	735.70	am	(P-12489/93.A-6146)	
1650.450	am	(P-22487/93.A-6349)	315.70	n	(P-202/93.A-676)	735.100	am	(P-927)	
1650.460	am	(P-22487/93.A-6349)	415.10	am	(P-937)	735.121	am	(P-6386/93.A-6164)	
1850.450	am	(P-22487/93.A-6349)	415.20	am	(P-937)	735.131	am	(P-927)	
1850.520	am	(P-22487/93.A-6349)	415.210	am	(P-937)	770.10	am	(P-6099)	
1850.560	am	(P-22487/93.A-6349)	415.250	am	(P-937)	770.20	am	(P-6099)	
1850.620	am	(P-22487/93.A-6349)	415.280	am	(P-937)	770.30	am	(P-6099)	
1850.640	am	(P-22487/93.A-6349)	415.270	r	(P-937)	770.40	am	(P-6099)	
1850.650	am	(P-22487/93.A-6349)	415.280	r	(P-937)	770.50	am	(P-6099)	
2650.1	am	(P-24493/93.A-3115)	415.411	n	(P-4490)	770.60	am	(P-6099)	
2650.10	am	(P-24493/93.A-3115)	415.4118	n	(P-4490)	770.60	am	(P-6099)	
2650.15	am	(P-24493/93.A-3115)	415.420	am	(P-937)	771.00	am	(P-6099)	
2650.15	am	(P-24493/93.A-3115)	415.450	am	(P-937)	772.10	am	(P-6099)	
2650.25	am	(P-24493/93.A-3115)	415.1020	r	(P-937)	772.35	am	(P-7156)	
2650.30	am	(P-24493/93.A-3115)	415.1080	r	(P-937)	772.45	am	(P-7156)	
2650.30	am	(P-24493/93.A-3115)	415.4118	n	(P-4490)	772.45	am	(P-7156)	
2650.40	am	(P-24493/93.A-3115)	415.2010	n	(P-937)	772.50	am	(P-7156)	
2650.40	n	(P-24493/93.A-3115)	415.2070	n	(P-937)	772.60	am	(P-7156)	
2650.50	n	(P-24493/93.A-3115)	415.2110	n	(P-937)	772.70	am	(P-7156)	
2650.50	n	(P-24493/93.A-3115)	415.2140	n	(P-937)	772.80	am	(P-7156)	
2650.60	n	(P-24493/93.A-3115)	415.4390	am	(P-937)	772.90	am	(P-7156)	
2650.60	n	(P-24493/93.A-3115)	425.40	am	(P-4483)	772.100	am	(P-7156)	
2650.70	n	(P-24493/93.A-3115)	425.50	am	(P-4483)	772.110	am	(P-7156)	
2650.70	n	(P-24493/93.A-3115)	505.10	am	(P-946)	772.120	am	(P-7156)	

SAI-15

ILLINOIS REGISTER

Volume 18. Issue #20

SECTIONS AFFECTED INDEX

May 20. 1994

TITLE 83, cont.)	772,130	n	(P-7156)	500,195	re	(A-4451)	11,252	em	(P-2247/93.A-6394)
	772,130	n	(P-7156)	500,195	re	(A-4451)	11,253	em	(P-2247/93.A-6394)
	772,135	n	(P-7156)	500,195	re	(A-4451)	11,253	em	(P-2247/93.A-6394)
	772,140	n	(P-7156)	500,200	re	(A-4451)	11,260	em	(P-2587)
	772,150	n	(P-7156)	500,201	re	(A-4451)	11,260	em	(P-19436/93.A-5909)
	780,5	n	(P-6147)	500,205	re	(A-4451)	11,260	em	(P-19436/93.A-5909)
	780,10	n	(P-6147)	500,215	re	(A-4451)	11,265	em	(P-19436/93.A-5909)
	780,100	n	(P-6147)	500,215	re	(A-4451)	11,265	em	(P-19436/93.A-5909)
	780,110	n	(P-6147)	500,225	re	(A-4451)	11,265	em	(P-19436/93.A-5909)
	780,130	n	(P-6147)	500,230	re	(A-4451)	11,265	em	(P-19436/93.A-5909)
TITLE 88	780,200	n	(P-6147)	500,235	re	(A-4451)	11,313	em	(P-4562)
	780,210	n	(P-6147)	700,100	n	(P-16421/93.A-1561)	11,315	em	(P-4562)
	780,220	n	(P-6147)	700,110	n	(P-16421/93.A-1561)	11,355	em	(P-13380/93.A-2018)
	780,230	n	(P-6147)	700,200	n	(P-16421/93.A-1561)	11,360	em	(P-21982/93.A-7759)
	780,240	n	(P-6147)	700,210	n	(P-16421/93.A-1561)	11,420	em	(P-21982/93.A-7759)
	780,300	n	(P-6147)	700,230	n	(P-16421/93.A-1561)	11,425	em	(P-4586)
	782,10	n	(P-11988/93.A-1919)	700,230	n	(P-16421/93.A-1561)	11,425	em	(P-19443/93.A-3436)
	782,20	n	(P-11988/93.A-1919)	700,300	n	(P-16421/93.A-1561)	11,425	em	(P-19443/93.A-3436)
	782,30	n	(P-11988/93.A-1919)	700,310	n	(P-16421/93.A-1561)	11,425	em	(P-23308/93.A-4566)
	782,40	n	(P-11988/93.A-1919)	700,320	n	(P-16421/93.A-1561)	11,435	em	(P-23308/93.A-4566)
TITLE 88	782,50	n	(P-11988/93.A-1919)	700,330	n	(P-16421/93.A-1561)	11,435	em	(P-23308/93.A-4566)
	782,50	n	(P-11988/93.A-1919)	700,340	n	(P-16421/93.A-1561)	11,435	em	(P-23308/93.A-4566)
	782,50	n	(P-21661/93.A-7768)	700,400	n	(P-16421/93.A-1561)	11,450	em	(P-7390)
	782,50	n	(P-17861/93.A-2494)	700,500	n	(P-16421/93.A-1561)	11,450	em	(P-19443/93.A-3436)
	100,240	em	(P-15471/93.A-1510)	750,000	em	(P-6112)	11,454	em	(P-19443/93.A-3436)
	100,510	em	(P-15471/93.A-1510)	750,010	em	(P-6112)	11,456	em	(P-19443/93.A-3436)
	100,520	em	(P-15471/93.A-1510)	750,020	em	(P-6112)	11,456	em	(P-19443/93.A-3436)
	100,530	em	(P-15471/93.A-1510)	750,030	em	(P-6112)	11,456	em	(P-19443/93.A-3436)
	100,540	em	(P-15471/93.A-1510)	750,040	em	(P-6112)	11,456	em	(P-19443/93.A-3436)
	100,550	em	(P-15471/93.A-1510)	750,050	em	(P-6112)	11,456	em	(P-19443/93.A-3436)
TITLE 88	100,705	em	(P-15471/93.A-1510)	102,95	em	(P-2602)	120,18	em	(P-1332/93.A-2053)
	100,710	em	(P-15471/93.A-1510)	102,95	em	(P-2602)	120,18	em	(P-1332/93.A-2053)
	100,720	em	(P-15471/93.A-1510)	102,95	em	(P-2602)	120,18	em	(P-1332/93.A-2053)
	100,730	em	(P-15471/93.A-1510)	102,200	em	(P-15461/93.A-273)	120,32	em	(P-1266/93.A-5934)
	100,800	em	(P-15471/93.A-1510)	102,210	em	(P-15461/93.A-273)	120,32	em	(P-1266/93.A-5934)
	100,900	em	(P-15471/93.A-1510)	102,220	em	(P-15461/93.A-273)	120,32	em	(P-1266/93.A-5934)
	100,910	em	(P-15471/93.A-1510)	102,230	em	(P-15461/93.A-273)	120,32	em	(P-1266/93.A-5934)
	100,940	em	(P-15471/93.A-1510)	102,235	em	(P-15461/93.A-273)	120,32	em	(P-1266/93.A-5934)
	100,940	em	(P-15471/93.A-1510)	102,240	em	(P-15461/93.A-273)	120,38	em	(P-1266/93.A-5934)
	100,940	em	(P-15471/93.A-1510)	102,240	em	(P-15461/93.A-273)	120,38	em	(P-1266/93.A-5934)
TITLE 88	120,10	em	(P-1789)	102,240	em	(P-15461/93.A-273)	120,38	em	(P-4063)
	130,455	em	(P-6684)	102,250	em	(P-15461/93.A-273)	120,38	em	(P-1332/93.A-2051)
	130,901	em	(P-15501/93.A-1537)	111,20	em	(P-2262/93.A-2009)	121,27	em	(P-18425/93.A-2033)
	130,901	em	(P-15501/93.A-1537)	111,20	em	(P-2262/93.A-2009)	121,27	em	(P-18425/93.A-2033)
	130,905	em	(P-15501/93.A-1537)	111,101	em	(P-18764/93.A-2029)	121,28	em	(P-18425/93.A-2033)
	130,907	em	(P-982)	111,101	em	(P-18764/93.A-2029)	121,29	em	(P-18425/93.A-2033)
	140,801	em	(P-15515/93.A-1550)	112,70	em	(P-2753)	121,58	em	(P-4575)
	140,815	em	(P-15515/93.A-1550)	112,71	em	(P-2753)	121,58	em	(P-4575)
	150,101	em	(P-15527/93.A-1584)	112,72	em	(P-2753)	121,70	em	(P-6405/93.A-3427)
	150,145	em	(P-15527/93.A-1584)	112,74	em	(P-2753)	121,70	em	(P-6405/93.A-3427)
TITLE 88	180,140	em	(P-15522/93.A-1557)	112,76	em	(P-2753)	121,70	em	(P-18425/93.A-2033)
	180,140	em	(P-15522/93.A-1557)	112,76	em	(P-2753)	121,70	em	(P-18425/93.A-2033)
	430,110	em	(P-4101)	112,77	em	(P-2753)	121,70	em	(P-21781E-2509)
	432,110	em	(P-4101)	112,78	em	(P-2753)	121,70	em	(P-21781E-2509)
	435,120	em	(P-4109)	112,79	em	(P-2753)	121,70	em	(P-21781E-2509)
	500,101	re	(A-4451)	112,80	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,102	re	(A-4451)	112,81	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,103	re	(A-4451)	112,82	em	(P-2753/P-7208)	140,2	em	(P-18436/93.A-3620)
	500,105	re	(A-4451)	112,83	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,110	re	(A-4451)	112,84	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
TITLE 88	500,115	re	(A-4451)	112,85	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,120	re	(A-4451)	112,86	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,125	re	(A-4451)	112,88	em	(P-2753)	140,2	em	(P-18436/93.A-3620)
	500,130	re	(A-4451)	112,110	em	(P-4546)	140,71	em	(P-18436/93.A-3620)
	500,135	re	(A-4451)	112,130	em	(P-19436/93.A-5909)	140,82	em	(P-17736/93.A-3620)
	500,140	re	(A-4451)	112,130	em	(P-19436/93.A-5909)	140,82	em	(P-17736/93.A-3620)
	500,145	re	(A-4451)	112,130	em	(P-19436/93.A-5909)	140,82	em	(P-17736/93.A-3620)
	500,150	re	(A-4451)	112,141	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,155	re	(A-4451)	112,142	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,160	re	(A-4451)	112,143	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
TITLE 88	500,165	re	(A-4451)	112,144	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,170	re	(A-4451)	112,145	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,146	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,146	em	(P-19436/93.A-5909)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)
	500,175	re	(A-4451)	112,151	em	(P-4546)	140,83	em	(P-18436/93.A-3620)

SAL-16

ILLINOIS REGISTER	
Volume 18, Issue #20	SECTIONS AFFECTED INDEX
	May 20, 1994

(Title 62, cont.)	14.030(em;P.5766)	444.20	em	(P.6318)	1236.10	n	(P.8635/93A-1624)
14.940	em (P.5766)	450.110	em	(P.7733)	1375.15	r	(P.8635/93A-1927)
14.945	em (P.5766)	450.120	em	(P.7733)	1375.15	r	(P.8635/93A-1927)
14.950	em (P.5766)	450.130	em	(P.7733)	1375.20	r	(P.8635/93A-1927)
14.955	em (P.5766)	450.220	em	(P.7733)	1375.30	r	(P.8635/93A-1927)
14.960	em (P.5766)	456.60	em	(P.4126)	1375.40	r	(P.8635/93A-1927)
14.965	em (P.5766)	456.70	em	(P.4126)	1375.50	r	(P.8635/93A-1927)
14.970	em (P.5766)	519.20	em	(P.1262/93A-2693)	1375.60	r	(P.8635/93A-1927)
14.975	em (P.5766)	519.750	em	(P.1262/93A-2693)	1375.60	r	(P.8635/93A-1927)
14.980	em (P.5766)	533.10	em	(P.1644/793A-2625)	1375.85	r	(P.8635/93A-1927)
14.985	em (P.5766)	533.20	n	(P.1644/793A-2625)	1375.85	r	(P.8635/93A-1927)
14.990	em (P.5766)	533.40	n	(P.1644/793A-2625)	1375.1010	r	(P.8635/93A-1927)
14.995	em (P.5766)	533.40	n	(P.1644/793A-2625)	1375.1020	r	(P.8635/93A-1927)
14.997	em (P.5766)	533.50	n	(P.1644/793A-2625)	1375.1030	r	(P.8635/93A-1927)
14.998	em (P.5766)	533.60	n	(P.1644/793A-2625)	1375.1040	r	(P.8635/93A-1927)
14.999	em (P.5766)	600.10	n	(P.1644/793A-2625)	1375.1050	r	(P.8635/93A-1927)
15.000	em (P.5766)	600.10	n	(P.1644/793A-2625)	1375.1060	r	(P.8635/93A-1927)
15.005	em (P.5766)	600.40	n	(P.1261/93A-540)	1375.1070	r	(P.8635/93A-1927)
15.010	em (P.5766)	600.40	n	(P.1261/93A-540)	1375.1080	r	(P.8635/93A-1927)
15.015	em (P.5766)	600.40	n	(P.1261/93A-540)	1375.1090	r	(P.8635/93A-1927)
15.020	em (P.5766)	600.60	n	(P.1261/93A-540)	1375.1100	r	(P.8635/93A-1927)
15.025	em (P.5766)	600.60	n	(P.1261/93A-540)	1375.1110	r	(P.8635/93A-1927)
15.030	em (P.5766)	600.70	n	(P.1261/93A-540)	1375.1120	r	(P.8635/93A-1927)
15.035	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1130	r	(P.8635/93A-1927)
15.040	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1140	r	(P.8635/93A-1927)
15.045	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1150	r	(P.8635/93A-1927)
15.050	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1160	r	(P.8635/93A-1927)
15.055	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1170	r	(P.8635/93A-1927)
15.060	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1180	r	(P.8635/93A-1927)
15.065	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1190	r	(P.8635/93A-1927)
15.070	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1200	r	(P.8635/93A-1927)
15.075	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1210	r	(P.8635/93A-1927)
15.080	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1220	r	(P.8635/93A-1927)
15.085	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1230	r	(P.8635/93A-1927)
15.090	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1240	r	(P.8635/93A-1927)
15.095	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1250	r	(P.8635/93A-1927)
15.100	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1260	r	(P.8635/93A-1927)
15.105	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1270	r	(P.8635/93A-1927)
15.110	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1280	r	(P.8635/93A-1927)
15.115	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1290	r	(P.8635/93A-1927)
15.120	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1300	r	(P.8635/93A-1927)
15.125	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1310	r	(P.8635/93A-1927)
15.130	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1320	r	(P.8635/93A-1927)
15.135	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1330	r	(P.8635/93A-1927)
15.140	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1340	r	(P.8635/93A-1927)
15.145	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1350	r	(P.8635/93A-1927)
15.150	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1360	r	(P.8635/93A-1927)
15.155	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1370	r	(P.8635/93A-1927)
15.160	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1380	r	(P.8635/93A-1927)
15.165	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1390	r	(P.8635/93A-1927)
15.170	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1400	r	(P.8635/93A-1927)
15.175	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1410	r	(P.8635/93A-1927)
15.180	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1420	r	(P.8635/93A-1927)
15.185	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1430	r	(P.8635/93A-1927)
15.190	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1440	r	(P.8635/93A-1927)
15.195	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1450	r	(P.8635/93A-1927)
15.200	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1460	r	(P.8635/93A-1927)
15.205	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1470	r	(P.8635/93A-1927)
15.210	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1480	r	(P.8635/93A-1927)
15.215	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1490	r	(P.8635/93A-1927)
15.220	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1500	r	(P.8635/93A-1927)
15.225	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1510	r	(P.8635/93A-1927)
15.230	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1520	r	(P.8635/93A-1927)
15.235	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1530	r	(P.8635/93A-1927)
15.240	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1540	r	(P.8635/93A-1927)
15.245	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1550	r	(P.8635/93A-1927)
15.250	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1560	r	(P.8635/93A-1927)
15.255	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1570	r	(P.8635/93A-1927)
15.260	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1580	r	(P.8635/93A-1927)
15.265	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1590	r	(P.8635/93A-1927)
15.270	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1600	r	(P.8635/93A-1927)
15.275	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1610	r	(P.8635/93A-1927)
15.280	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1620	r	(P.8635/93A-1927)
15.285	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1630	r	(P.8635/93A-1927)
15.290	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1640	r	(P.8635/93A-1927)
15.295	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1650	r	(P.8635/93A-1927)
15.300	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1660	r	(P.8635/93A-1927)
15.305	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1670	r	(P.8635/93A-1927)
15.310	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1680	r	(P.8635/93A-1927)
15.315	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1690	r	(P.8635/93A-1927)
15.320	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1700	r	(P.8635/93A-1927)
15.325	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1710	r	(P.8635/93A-1927)
15.330	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1720	r	(P.8635/93A-1927)
15.335	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1730	r	(P.8635/93A-1927)
15.340	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1740	r	(P.8635/93A-1927)
15.345	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1750	r	(P.8635/93A-1927)
15.350	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1760	r	(P.8635/93A-1927)
15.355	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1770	r	(P.8635/93A-1927)
15.360	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1780	r	(P.8635/93A-1927)
15.365	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1790	r	(P.8635/93A-1927)
15.370	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1800	r	(P.8635/93A-1927)
15.375	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1810	r	(P.8635/93A-1927)
15.380	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1820	r	(P.8635/93A-1927)
15.385	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1830	r	(P.8635/93A-1927)
15.390	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1840	r	(P.8635/93A-1927)
15.395	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1850	r	(P.8635/93A-1927)
15.400	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1860	r	(P.8635/93A-1927)
15.405	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1870	r	(P.8635/93A-1927)
15.410	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1880	r	(P.8635/93A-1927)
15.415	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1890	r	(P.8635/93A-1927)
15.420	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1900	r	(P.8635/93A-1927)
15.425	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1910	r	(P.8635/93A-1927)
15.430	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1920	r	(P.8635/93A-1927)
15.435	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1930	r	(P.8635/93A-1927)
15.440	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1940	r	(P.8635/93A-1927)
15.445	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1950	r	(P.8635/93A-1927)
15.450	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1960	r	(P.8635/93A-1927)
15.455	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1970	r	(P.8635/93A-1927)
15.460	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1980	r	(P.8635/93A-1927)
15.465	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.1990	r	(P.8635/93A-1927)
15.470	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2000	r	(P.8635/93A-1927)
15.475	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2010	r	(P.8635/93A-1927)
15.480	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2020	r	(P.8635/93A-1927)
15.485	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2030	r	(P.8635/93A-1927)
15.490	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2040	r	(P.8635/93A-1927)
15.495	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2050	r	(P.8635/93A-1927)
15.500	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2060	r	(P.8635/93A-1927)
15.505	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2070	r	(P.8635/93A-1927)
15.510	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2080	r	(P.8635/93A-1927)
15.515	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2090	r	(P.8635/93A-1927)
15.520	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2100	r	(P.8635/93A-1927)
15.525	em (P.5766)	600.90	n	(P.1261/93A-540)	1375.2110	r</	

SAI-18

ILLINOIS REGISTER		
Volume 18	Issue #20	SECTIONS AFFECTED INDEX
		May 20, 1994

[illegible]

SAI-17

ILLINOIS REGISTER
 Volume 18, Issue #20 SECTIONS AFFECTED INDEX May 20, 1994

(Title 92, cont.)	
1375.7240	r (P.6935/93.A-1927)
1375.7260	r (P.6935/93.A-1927)
1375.7280	r (P.6935/93.A-1927)
1375.8100	r (P.6935/93.A-1927)
1375.8110	r (P.6935/93.A-1927)
1375.8120	r (P.6935/93.A-1927)
1375.8130	r (P.6935/93.A-1927)
1375.8140	r (P.6935/93.A-1927)
1376.10	n (P.6930/93.A-1914)
1376.20	n (P.6930/93.A-1914)
1376.30	n (P.6930/93.A-1914)
1376.40	n (P.6930/93.A-1914)

